5110. Also, petition of J. G. Thomas and others, supporting House bill 9596; to the Committee on Interstate and Foreign Commerce.

5111. Also, petition of the members of the South Orange Council, No. 1831, Knights of Columbus, urging adoption of the amendment to section 301 of Senate bill 2910; to the Committee on Merchant Marine, Radio, and Fisheries.

5112. Also, petition of C. E. Knight and others, supporting the lottery bill; to the Committee on Ways and Means.

5113. Also, petition of Mrs. R. N. Jones and others, supporting House bill 6097; to the Committee on Interstate and Foreign Commerce.

5114. Also, petition of the Baltimore Association of Commerce; to the Committee on Ways and Means.

5115. Also, petition of the Rayon Textile Workers' Union, Local 2032, supporting the Wagner labor bill; to the Committee on Labor.

5116. Also, petition of J. E. Kelly and others, supporting Senate bill 3231 and House bill 9596; to the Committee on Interstate and Foreign Commerce.

5117. Also, petition of the Provincial Board of Agusan; to the Committee on Ways and Means.

5118. Also, petition of the Illinois Steel Co., South Chicago, Ill., voicing the opinion of 10,000 employees to the Wagner bill; to the Committee on Labor.

5119. Also, petition of the Havana Chamber of Commerce, Havana, Ill., opposing the Wagner national labor-disputes board bill; to the Committee on Labor.

SENATE

TUESDAY, JUNE 12, 1934

(Legislative day of Wednesday, June 6, 1934)

The Senate met at 11 o'clock a.m., on the expiration of the recess.

THE JOURNAL

On motion of Mr. ROBINSON of Arkansas, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, June 11, was dispensed with, and the Journal was approved.

ORDER FOR CONSIDERATION OF CALENDAR TOMORROW

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent that when the Senate meets tomorrow it proceed to the consideration of unobjected bills on the calendar, commencing with Calendar No. 1243, and that if that call shall be completed the Senate recur to the consideration of the calendar for unobjected bills from the beginning.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

RAILROAD EMPLOYEES' RETIREMENT SYSTEM

Mr. KING. Mr. President, may I inquire of the Senator from Arkansas, what is the program with respect to Senate bill 3231, to provide a retirement system for railroad employees, to provide unemployment relief, and for other purposes? I should be very glad to have that bill taken up at as early a date as possible and placed on the preferred list for consideration.

Mr. ROBINSON of Arkansas. Mr. President, it is my desire that the bill to which the Senator from Utah refers shall be speedily taken up; but tentative arrangements have been made first to consider what is known as the "Indian bill", and then the grazing bill. After those two bills shall have been disposed of, I shall be glad to cooperate to bring forward the bill the Senator from Utah mentions.

Mr. KING. Then it is obvious that within a few days the bill will be on its way to consideration?

Mr. ROBINSON of Arkansas. I think it may be reached today.

INVESTIGATION OF MANUFACTURE OF MUNITIONS—NOTICE

Mr. CLARK. Mr. President, I desire to give notice that tomorrow, as soon after the meeting of the Senate as I may be able to obtain recognition, I desire to address the Senate on the subject of the investigation of the manufacture of munitions heretofore authorized by the Senate.

STATEMENTS AS TO VOTES AND PAIRS ON SILVER BILL

Mr. FESS. Mr. President, yesterday, about quarter to 6, I was called from the Senate Chamber. I realized that we were approaching a vote on the silver bill, but I felt that if I could secure a pair there would not be any jeopardy either in the vote on the issue or to the individual Senators; so I secured a pair with my friend from Illinois [Mr. DIETERICH]. On the basis of the amendments which were before me, I suggested that it was not essential that anything be stated except the fact of the general pair.

This morning as I read the papers and found that the bonus question had been voted on, I was not only amazed but I was shocked. I had no idea, not the slightest hint from any source, that a bill that had been reported would be sought to be attached to a piece of silver legislation in the form of an amendment. I am aware that the rules of the Senate are loose enough to permit it, but surely we ought to have some modification of our rules on a question like that. Consequently, I am mentioned as not voting, which is true, and in the list of pairs the Senator from Ohio [Mr. FESS] is announced as having a pair with the Senator from Illinois [Mr. DIETERICH]. As that stands, it would appear to some readers that I was for the bonus and the Senator from Illinois was against it.

I do not know how the Senator from Illinois stood on the matter, but the country knows how I have always stood upon it. I have invariably opposed the proposal known as the "cash payment" of the bonus; but unfortunately, having been called from the Senate Chamber without any suggestion that that sort of an amendment would be offered, I am somewhat embarrassed. I simply rise to make the statement that had I been here yesterday afternoon when the amendment was offered I should have voted against the proposal, and at any time that it might have come up I should have voted against it; and I should like, if it be in order, to have my statement appear in the permanent RECORD following the vote, because I do not wish to be misunderstood. In other words, there is not anything to me so distasteful as the charge that a Senator has dodged an issue. I despise a situation of that kind.

Mr. LEWIS. Mr. President, if the Senator will allow me——

Mr. FESS. I yield.

Mr. LEWIS. I assure the Senator that upon the motion made by the Senator from Minnesota [Mr. SHIPSTEAD], in the manner made and for the purposes made, both Senators from Illinois—my eminent colleague [Mr. DIETERICH] and myself—would have voted "nay." The able Senator from Ohio may rest assured of such position. Therefore, he should not be embarrassed by any assumption that my colleague's vote would have been "yea" on that motion. It would have been the same as that of the Senator from Ohio.

Mr. FESS. I thank the Senator.

Mr. President, have I the consent of the Senate to have my statement appear in the permanent RECORD following the vote?

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

Mr. TYDINGS. Mr. President, on yesterday, at the time the vote was taken on the silver bill and amendments thereto, I had been requested by the relief committee of the State of Maryland to attend a meeting with Mr. Harry Hopkins, and during the time the vote was being taken I was necessarily absent. I wanted to make the statement for the RECORD that I was in Mr. Hopkins' office conferring with the relief committee of Maryland, which had asked me to accompany them for that purpose.

Mr. LEWIS. Mr. President, at this point, touching the RECORD, I wish to confirm the statement made by the eminent Senator from Rhode Island [Mr. HEBERT] at the time of the vote on the silver bill. I was present in the Postmaster General's Department, where there was something of a celebration attendant on the opening of the new quarters of the Post Office Department, and I missed the vote.

The statement of the Senator from Rhode Island was correct, that had I been present I would have voted "yea", and the statement for himself that he would have voted "nay", I take it, was his announcement as to the silver bill.

Mr. HEBERT. That is correct.

CALL OF THE ROLL

Mr. ROBINSON of Arkansas. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Hayden	Patterson
Ashurst	Costigan	Hebert	Pittman
Austin	Couzens	Johnson	Robinson, Ark.
Bachman	Cutting	Kean	Robinson, Ind.
Bailey	Davis	King	Russell
Bankhead	Dickinson	La Follette	Schall
Barbour	Dill	Lewis	Sheppard
Barkley	Duffy	Logan	Shipstead
Black	Erickson	Lonergan	Smith
Bone	Fess	Long	Steiwer
Borah	Fletcher	McCarran	Stephens
Brown	Frazier	McGill	Thomas, Okla.
Bulkley	George	McKellar	Thomas, Utah
Bulow	Gibson	McNary	Thompson
Byrd	Glass	Metcalf	Townsend
Byrnes	Goldsborough	Murphy	Tydings
Capper	Gore	Neely	Wagner
Caraway	Hale	Norbeck	Walcott
Carey	Harrison	Norris	Walsh
Clark	Hastings	Nye	Wheeler
Connally	Hatch	O'Mahoney	White
Coolidge	Hatfield	Overton	

Mr. LEWIS. Mr. President, I announce the continued absence of the Senator from California [Mr. McADOO], occasioned by illness; and the absence of the Senator from Florida [Mr. TRAMMELL], the Senator from Indiana [Mr. VAN NUYS], my colleague the junior Senator from Illinois [Mr. DIETERICH], and the Senator from North Carolina [Mr. REYNOLDS], who are necessarily detained.

I desire further to announce that the Senator from Idaho [Mr. POPE] is absent in attendance on the funeral of the late Representative Coffin, of Idaho.

Mr. HEBERT. I wish to announce that the Senator from New Hampshire [Mr. KEYES] and the Senator from Michigan [Mr. VANDENBERG] are necessarily absent, and that the Senator from Pennsylvania [Mr. REED] is absent on account of illness.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

ESTIMATE OF APPROPRIATION—CLAIMS FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S.DOC. NO. 213)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, an estimate of appropriation submitted by the Department of Agriculture to pay claims for damages to privately owned property in the sum of $888.69, which have been considered and adjusted under the provisions of law and require appropriations for their payment, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ESTIMATE OF APPROPRIATION—CLAIMS FOR DAMAGES BY COLLISION WITH NAVAL VESSELS (S.DOC. NO. 214)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting an estimate of appropriation submitted by the Navy Department to pay claims for damages by collision with naval vessels, in the sum of $3,072, which have been considered and adjusted under the provisions of law and require an appropriation for their payment, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a letter from the Governor of the Federal Reserve Board, transmitting, pursuant to law, the annual report of the Federal Reserve Board covering operations for the year 1933, which, with the accompanying report, was referred to the Committee on Banking and Currency.

MONTHLY REPORT OF FEDERAL EMERGENCY RELIEF ADMINISTRATOR

The VICE PRESIDENT laid before the Senate a letter from the secretary of the Federal Emergency Relief Administration, transmitting, pursuant to law, the report of the Administrator covering the period from March 1 to March 31, 1934, inclusive, which, with the accompanying report, was ordered to lie on the table.

PHILIPPINE INDEPENDENCE

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of War, transmitting copy of a resolution adopted by the Municipal Council of Guinayangan, Province of Tayabas, P.I., expressing its gratitude for enactment of Public Law No. 127, Seventy-third Congress, known as the "new Philippine Independence Act", which, with the accompanying papers, was ordered to lie on the table.

PETITIONS

The VICE PRESIDENT laid before the Senate a telegram in the nature of a petition from Division 171, Order of Railway Conductors, Mechanicsville, N.Y., signed by H. I. Gardner, secretary, praying for the passage of Senate bill 3231, providing for the pensioning of railway employees, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a petition from sundry Santa Fe Railway employees of the Los Angeles Terminal, Calif., praying for the enactment of pending legislation for the benefit of railway employees, which was ordered to lie on the table.

He also laid before the Senate a letter in the nature of a petition from Ralph Almsteadt, secretary-treasurer of Pension Chapter, No. 66, of New York City, N.Y., praying on behalf of sundry railway employees for the passage of Senate bill 3231, providing for the pensioning of railroad employees, which was ordered to lie on the table.

NOMINATION OF REXFORD G. TUGWELL

Mr. BARBOUR. Mr. President, I ask unanimous consent that the resolution, under date of June 9, of the American Coalition of Patriotic, Civic, and Fraternal Societies, with head offices in the Southern Building, at Washington, D.C., which I send to the desk and with which I am in complete sympathy and whole-hearted accord, and which, moreover, I feel is very timely at just the present moment, be spread in full in the CONGRESSIONAL RECORD and lie on the table.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

AMERICAN COALITION OF PATRIOTIC,
CIVIC, AND FRATERNAL SOCIETIES,
Washington, D.C.

Whereas Dr. Rexford Guy Tugwell, who has been nominated for Under Secretary of Agriculture, is known to be a pronounced advocate of principles of government which are subversive and inimical to our system of constitutional government: Now, therefore, be it

Resolved by the American Coalition, representing 94 patriotic, civic, and fraternal organizations throughout the United States, That we protest against his confirmation, which would amount to an authorization by the Senate of continuance of this radical course and a ratification of his many utterances aimed at the destruction of our most cherished institutions.

THE EXECUTIVE COMMITTEE,
By JOHN B. TREVOR, *President.*

JUNE 9, 1934.

REPORTS OF COMMITTEES

Mr. HAYDEN, from the Committee on Mines and Mining, to which was referred the bill (S. 3675) to amend section 5 of the act of March 2, 1919, generally known as the "War Minerals Relief Statutes", reported it without amendment and submitted a report (No. 1381) thereon.

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H.R. 6238. An act for the relief of M. R. Welty (Rept. No. 1382);

H.R. 8115. An act for the relief of May L. Marshall, administratrix of the estate of Jerry A. Litchfield (Rept. No. 1383);

H.R. 8587. An act to extend the benefits of the Employees' Compensation Act of September 7, 1916, to William Thomas (Rept. No. 1384); and

H.R. 8650. An act for the relief of B. J. Sample (Rept. No. 1385).

Mr. STEPHENS also, from the Committee on Commerce, to which was referred the bill (S. 3780) for the relief of persons engaged in the fishing industry, reported it without amendment and submitted a report (No. 1393) thereon.

Mr. GIBSON, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H.R. 206. An act for the relief of Pierre E. Teets (Rept. No. 1386);

H.R. 3318. An act to reimburse Earl V. Larkin for injuries sustained by the accidental discharge of a pistol in the hands of a soldier in the United States Army (Rept. No. 1387);

H.R. 5606. An act for the relief of W. R. McLeod (Rept. No. 1388); and

H.R. 6998. An act for the relief of Capt. Frank J. McCormack (Rept. No. 1389).

Mr. GIBSON also, from the Committee on Claims, to which was referred the bill (S. 2771) for the relief of Thomas F. Cooney, reported it with amendments and submitted a report (No. 1390) thereon.

Mr. BAILEY, from the Committee on Claims, to which was referred the bill (S. 2927) for the relief of Las Vegas Hospital Association, Las Vegas, Nev., reported it without amendment and submitted a report (No. 1391) thereon.

He also, from the same committee, to which was referred the bill (S. 3472) for the relief of Stefano Talanco and Edith Talanco, reported it with amendments and submitted a report (No. 1392) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (H.R. 3595) for the relief of St. Ludgers Catholic Church, of Germantown, Henry County, Mo., reported it without amendment and submitted a report (No. 1397) thereon.

Mr. McCARRAN, from the Committee on the Judiciary, to which was referred the bill (H.R. 1766) to provide medical services after retirement on annuity to former employees of the United States disabled by injuries sustained in the performance of their duties, reported it without amendment and submitted a report (No. 1394) thereon.

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the concurrent resolution (H.Con.Res. 32) authorizing and directing the Federal Trade Commission to investigate conditions with respect to the sale and distribution of milk and other dairy products in the United States, reported it without amendment and submitted a report (No. 1395) thereon.

He also, from the same committee, to which was referred the bill (H.R. 9690) to place the tobacco-growing industry on a sound financial and economic basis, to prevent unfair competition and practices in the production and marketing of tobacco entering into the channels of interstate and foreign commerce, and for other purposes, reported it without amendment and submitted a report (No. 1396) thereon.

Mr. MURPHY, from the Committee on Agriculture and Forestry, to which was referred the bill (H.R. 9646) to authorize the acquisition of additional land for the Upper Mississippi River Wild Life and Fish Refuge, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 2246) to amend the Packers and Stockyards Act, reported it with an amendment in the nature of a substitute.

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2603) authorizing the Secretary of Agriculture to convey certain lands to the Maryland-National Capital Park and Planning Commission, of Maryland, for park purposes, reported it with amendments and submitted a report (No. 1398) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (H.R. 9145) to authorize the attendance of the Marine Band at the National Encampment of the Grand Army of the Republic to be held at Rochester, N.Y., August 14, 15, and 16, 1934, reported it without amendment and submitted a report (No. 1399) thereon.

Mr. WAGNER, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3014) to authorize the transfer of the Green Lake Fish Cultural Station, in Hancock County, Maine, as an addition to the Acadia National Park, reported it without amendment and submitted a report (No. 1400) thereon.

He also, from the same committee, to which was referred the bill (S. 3684) to provide for the establishment of a national monument on the site of Fort Stanwix, in the State of New York, reported it with an amendment and submitted a report (No. 1401) thereon.

Mr. GORE, from the Committee on Interoceanic Canals, to which was referred the bill (H.R. 8700) to establish a code of laws for the Canal Zone, and for other purposes, reported it without amendment and submitted a report (No. 1402) thereon.

Mr. McCARRAN, from the Committee on the Judiciary, to which was referred the bill (S. 3779) to amend section 4 of "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and acts amendatory thereof and supplementary thereto", approved June 7, 1934, reported it without amendment and submitted a report (No. 1404) thereon.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3764. An act to reduce the fee to accompany applications for entry as second-class matter of publications of limited circulation (Rept. No. 1405);

S. 3765. An act to enable the Postmaster General to withhold commissions on false returns made by postmasters (Rept. No. 1406);

S. 3766. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty", approved March 17, 1882, as amended (Rept. No. 1407);

H.R. 8460. An act to amend section 392 of title 5 of the United States Code (Rept. No. 1408); and

H.R. 9595. An act to increase the compensation of letter carriers in the village delivery service (Rept. No. 1409).

CONSIDERATION OF RESOLUTIONS REPORTED BY THE COMMITTEE ON PRINTING

Mr. HAYDEN. From the Committee on Printing I report back favorably without amendment Senate Concurrent Resolution No. 20 and ask unanimous consent for its present consideration.

There being no objection, the Senate proceeded to consider the concurrent resolution, which was read and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Foreign Relations of the Senate be, and is hereby, empowered to have printed for its use 2,000 copies of the hearings held before a subcommittee of said committee during the second session of the Seventy-second Congress, on the resolution (S.Res. 278) entitled "Resolution authorizing the Committee on Foreign Relations to make an investigation and to hold hearings respecting matters touching the St. Lawrence Waterways Treaty", part 1 and part 2.

Mr. HAYDEN. From the Committee on Printing I also report an original resolution and ask unanimous consent for its present consideration.

There being no objection, the resolution (S.Res. 269) was considered and agreed to, as follows:

Resolved, That the letter from the vice chairman of the Public Utilities Commission of the District of Columbia, dated May 31, 1934, transmitting, in response to Senate Resolution No. 86, part II of a report of investigation of facts relating to the cost and character of housing in rented premises in the District of Columbia, be printed, with illustrations, as part 2 of Senate Document No. 125.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on the 11th instant that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 74. An act to authorize payment of expenses of formulating claims of the Kiowa, Comanche, and Apache Indians of Oklahoma against the United States, and for other purposes;

S. 870. An act for the relief of L. R. Smith;

S. 1173. An act for the relief of Gladding, McBean & Co.;

S. 2130. An act to authorize an appropriation for the purchase of land in Wyoming for use as rifle ranges for the Army of the United States;

S. 2674. An act to amend an act entitled "An act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933;

S. 2898. An act conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of George A. Carden and Anderson T. Herd against the United States;

S. 3040. An act to give the Supreme Court of the United States authority to make and publish rules in actions at law;

S. 3237. An act to repeal certain provisions of the act of March 4, 1933, and to reenact sections 4 and 5 of the act of March 2, 1929;

S. 3502. An act authorizing the Oregon-Washington Bridge board of trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.;

S. 3521. An act to facilitate purchases of forest lands under the act approved March 1, 1911;

S. 3615. An act authorizing the county of Wahkiakum, a legal political subdivision of the State of Washington, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River between Puget Island and the mainland, Cathlamet, State of Washington; and

S.J.Res. 100. Joint resolution authorizing suitable memorials in honor of James Wilson and Seaman A. Knapp.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STEPHENS:

A bill (S. 3782) to provide for the commemoration of the two hundredth anniversary of the Battle of Ackia, Mississippi, and the establishment of the Ackia Battleground National Monument, and for other purposes; to the Committee on the Library.

By Mr. THOMPSON:

A bill (S. 3783) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.; to the Committee on Commerce.

By Mr. ERICKSON (by request):

A bill (S. 3784) to provide for the issue of a supplementary currency without interest based on certain commodities and payable in commodities; to create a Supplementary Currency Board with power to fix wholesale prices on the commodities on which this supplementary currency is based in cooperation with representatives of agriculture and industry, and to regulate the issue and use of such currency; to provide for the organization of associations in agriculture, industry, and business that may receive such supplementary currency upon giving title to the United States to commodities against which this supplementary currency may be issued; to strengthen the control of production and distribution of the basic commodities directly affected through regulating the issue and use of this supplementary currency; to regulate imports and foreign trade to the extent necessary to protect the economic and financial structure of the United States; and to accomplish other related purposes; to the Committee on Banking and Currency.

By Mr. FLETCHER:

A bill (S. 3785) to amend the Reconstruction Finance Corporation Act so as to extend the provisions thereof to private corporations to aid in constructing and maintaining facilities for the marketing, storing, warehousing, and/or processing of forest products; to the Committee on Banking and Currency.

By Mr. COPELAND:

A bill (S. 3786) for the relief of Heinrich Schmidt, of Flensburg, Germany; to the Committee on Claims.

By Mr. HARRISON:

A joint resolution (S.J.Res. 139) to protect the revenue by regulation of the traffic in containers of distilled spirits; to the Committee on Finance.

RETIREMENT SYSTEM FOR RAILROAD EMPLOYEES—AMENDMENTS

Mr. METCALF submitted seven amendments intended to be proposed by him to the bill (S. 3231) to provide a retirement system for railroad employees, to provide unemployment relief, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT OF BANKING ACT OF 1933—AMENDMENT

Mr. RUSSELL submitted an amendment intended to be proposed by him to the bill (S. 3748) to amend certain sections of the Banking Act of 1933 and the Federal Reserve Act, and for other purposes, which was ordered to lie on the table and to be printed.

DIVERSIFICATION OF PRISON INDUSTRIES—AMENDMENT

Mr. HEBERT submitted an amendment intended to be proposed by him to the bill (H.R. 9404) to authorize the formation of a body corporate to insure the more effective diversification of prison industries, and for other purposes, which was ordered to lie on the table and to be printed.

REGULATION OF TOBACCO-GROWING INDUSTRY—AMENDMENTS

Mr. FLETCHER submitted two amendments intended to be proposed by him to the bill (H.R. 9690) to place the tobacco-growing industry on a sound financial and economic basis, to prevent unfair competition and practices in the production and marketing of tobacco entering into the channels of interstate and foreign commerce, and for other purposes, which were ordered to lie on the table and to be printed.

INVESTIGATION OF ACTIVITIES OF FREIGHT ASSOCIATIONS

Mr. GEORGE submitted the following concurrent resolution (S.Con.Res. 22), which was referred to the Committee on Interstate Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Federal Trade Commission be, and the same is hereby, directed to make an investigation and study of the activities of the freight associations of the United States and of the action of the railroads in jointly prescribing rates through such associations, and report the results thereof to the Congress as soon as practicable, showing specifically the action of said associations, especially in making rates between different freight territories and reporting whether or not such activities violate the antitrust laws as applied to the *Act to Regulate Commerce in the Central Yellow Pine and Tift Lumber cases* (10 I.C.C. 505, 548; 138 Fed. 753; 206 U.S. 441).

JENNIE JONES

Mr. WALSH submitted the following resolution (S.Res. 266), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Jennie Jones, widow of George R. Jones, late an employee in the Senate Office Building under direction of the custodian of said building, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INVESTIGATION OF RELATIONSHIP OF FREIGHT RATES

Mr. GEORGE submitted the following resolution (S.Res. 267), which was referred to the Committee on Interstate Commerce:

Resolved, That the Interstate Commerce Commission be, and the same is hereby, requested to make an investigation and study

of the relationship of rates in different parts of the United States and report the result thereof to the Congress of the United States as soon as practicable, showing:

First. The relative book value and value fixed by the Interstate Commerce Commission of the properties of class 1 railroads in the United States, separating such values so as to show the same in the three large freight territories of the country.

Second. The cost of hauling freight, so far as the records disclose, in each of the said several territories.

ADDITIONAL COPIES OF HEARINGS ON INVESTIGATION OF RACKETS

Mr. COPELAND submitted the following resolution (S.Res. 268), which was referred to the Committee on Printing:

Resolved, That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Commerce of the Senate be, and is hereby, empowered to have printed for its use 1,000 copies of part 4 of the hearings held before a subcommittee of said committee during the second session of the Seventy-third Congress on the resolution (S.Res. 74) entitled "A resolution authorizing an investigation of the matter of so-called 'rackets', with a view to their suppression."

NATURAL BEAUTIES OF KENTUCKY

Mr. LOGAN. Mr. President, I ask permission to have printed in the RECORD an address delivered by the Honorable Desha Breckinridge, editor of the Lexington Herald, at the fourth annual mountain laurel festival in Bell County, Ky., and also an editorial appearing in the same publication on June 5, 1934, entitled "Go to the Hills Where Beauty Abides."

There being no objection, the address and editorial were ordered to be printed in the RECORD, as follows:

[From the Lexington (Ky.) Herald, Sunday, June 3, 1934]

TRIBUTE IS PAID TO RESIDENTS OF MOUNTAINS—DESHA BRECKINRIDGE LAUDS SONS OF HIGHLANDS WHO HAVE GAINED GREAT FAME

Tribute to the noble race that inhabits the Kentucky mountains was paid in the speech delivered by Desha Breckinridge, editor of the Herald, last Friday, at the fourth annual mountain laurel festival in Bell County.

Mr. Breckinridge, in his address, pointed out that in every State sons from these highlands have played a great part, and he lauded the new spirit which is tending to bind all sections of the great Commonwealth of Kentucky into one homogeneous unit.

The complete text of Mr. Breckinridge's address at the mountain laurel festival follows:

"Mr. Chairman and fellow Americans, I cannot express my appreciation of the opportunity to be present here today, given to me because of the partial friendship of Mrs. Cromwell and those in charge of this celebration.

"More than half a century ago it is since I first came to this section. That great Kentuckian, Nathaniel S. Shaler, who created the Kentucky Geological Survey and became the best beloved professor at Harvard, to whom Kentucky owes a great debt, and John R. Proctor, who succeeded Professor Shaler as head of the Geological Survey in Kentucky, persuaded my father to take his family to spend the summer in Cumberland Gap with the students brought by Professor Shaler for the Harvard summer school. That journey was far different from the trip I have made today. We went by train from Lexington to Louisville, from Louisville to Knoxville, and by wagon drawn by mules from Knoxville to Cumberland Gap, where for 6 weeks we camped.

"Impossible it is for my faltering tongue to describe, even to indicate the difference between that trip and this country then, and the trip I have made to come today and this country now.

"Again, in later years, upon my return to Kentucky from college I came to this region and witnessed something of the intense activity of which Big Stone Gap and Middlesboro were the products.

"There has never been an hour since those days of long ago that I have not had love for this section, have not had keen realization of the truth uttered by David when in the Psalms he said: 'I will lift up mine eyes unto the hills from whence cometh my help.'

"I have understood something of the joy, mayhap I should not confess that I have often envied the fate that led those who came through Cumberland Gap and along the Wilderness Trail to stop and build their homes where they could look to the hills from whence they got strength and inspiration. Kindred all were they who came from North Carolina and Tennessee and Virginia along that trail and through that gap to build a Commonwealth, that in my judgment has had more potent influence in the development of American civilization than any of her sister States.

"Inheritors they were of common traditions, in whose veins there flowed the commingled blood of the Norman, the Angle, the Saxon, the Dane, and the Celt, fused into that marvelous race, speaking the English language, preserving valiantly and rigorously the principle of Anglo-Saxon liberty.

"Worthy descendants they were of those who sat in judgment upon a king, who followed Cromwell, who established the greatest Commonweath of the world. They carried with them always, even to the uttermost parts of the earth, the principle of liberty regulated by law, freedom of speech, and right of individual ownership of property; that found its concrete expression in the accepted dictum that a man's home is sacred, whether it be castle or cabin, into which, though the wind enters through the crevices, the king himself may not enter except in response to the invitation of the owner or in accord with the mandate of the law.

"In 1750, a hundred and eighty-four years ago, Dr. Thomas Walker and his companions first penetrated through Cumberland Gap, named by him, as was the river, for the Duke of Cumberland. Fitting it is that one whose ancestors sprang from his loins, Mrs. Annie Walker Burns, has had her thought translated by descendants of companions of his into this great celebration.

"Dr. Walker's coming marked the very beginning of the conquest of the West, the Southwest, the Northwest and the South. From that day on until 1769, when Daniel Boone and four compaions left Yadkin to explore the land that the vision of Richard Henderson beheld as a great empire, there were a number driven by the zest of adventure, impelled by the quest for land, who penetrated the forests and braved the dangers of the Indians. Christopher Gist, in 1750; John Finley, in 1752 and 1767; Henry Skaggs, in 1764; James Smith and his companions under Isaac Lindsey; James Harrod and Michael Stoner are some who during those years explored the hunting grounds of Kentucky.

"But the real exploration of Kentucky came after the Stanwix Treaty of 1786, by which the Six Nations ceded to Virginia their claims to the country between the Ohio and Tennessee Rivers, and thus gave to Virginia the nominal right to the Kentucky country.

"With the coming of Boone and the long hunters there began a migration that is among the most remarkable in all the annals of the world. The settlement of Kentucky was in defiance of royal edict. In 1763 a royal proclamation expressly forbade the granting of warrants of survey or patents beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean or further west.

"There were already then mutterings of the storm that found its expression in the American Revolution, so that the King desired to limit the growth of the colonies west of the Alleghenies and to confine the increase to the narrow scope between the mountain range of the seacoast, that was accessible by navigable rivers and could, therefore, be controlled from the seacoast and those rivers.

"Kentucky is the only State whose very existence was created in express disobedience of all governmental authority. Before the Revolution broke, in 1774 when the merchants of the old Bay Colony were preparing for Bunker Hill, Henry was thundering in Williamsburg and Franklin leading toward revolution, a house was built where this State now exists—a log cabin, it is true, yet it consecrated all the State to that Anglo-Saxon civilization which founds the State on the family and was evidence, proof that they who came as adventurers were settlers and builders of States.

"Could one but revive that long ago, contemplate the present and project himself into the future with full realization of what the brief years since Boone came through Cumberland Gap have brought, what would be the picture he would paint?

"I cannot even indicate in the time that I may take, the contrast. I can but suggest what mayhap another more able, more devoted, though loving Kentucky no more than do I, may paint. June 7, 1769, it was, when Boone first feasted his eyes 'with the unrivaled valley of the Kentucky.' What a contrast the picture of today would be by the side of the picture of that date if artist or poet or orator could in fitting colors or apt words paint America in 1769 as we see it today. It would stagger human credulity.

"The records of those days have been scattered. In the Draper collection at Madison, Wis.; in the Dunne collection at the University of Chicago; in the Breckinridge collection at the Congressional Library; in garrets and in old desks there are priceless records of the toil and the dangers, the sacrifices and the triumphs of those who explored the wilderness and laid the foundation of the State. The records should be gathered in Kentucky, in this section marking the very doorstep to the great domain that is largely due to Kentucky. There should be gathered the letters and the diaries and the maps, the records of those glorious days when the buckskin-clad pioneers came to Kentucky.

"It is fitting that the American Order of Pioneers, a national organization, with headquarters in Washington, has designated this year—that is, the bicentenary of the birth of Daniel Boone—as 'Pioneer Year' in honor of the pioneers to whom this Nation and the world owes an unpayable debt of gratitude. At Boonesboro on September 3 there will be a national gathering to make recognition of that debt to Boone and those of whom he is typical.

"And then there should be an adequate history written of what their coming has meant. I may but faintly indicate the part that Kentucky played, but suggest what would be the difference in the world had those who came through Cumberland Gap obeyed instead of defied the royal edict forbidding the settlement beyond the headwaters of the streams that flowed into the Atlantic to the eastward.

"It is 142 years ago today that the long efforts of those who settled and led Kentucky were crowned with victory—Kentucky admitted to the Union. The records of the years during which the settlers of Kentucky strove to secure an independent State government are full of romance and pregnant with mighty events. Even with that victory it is impossible for us of today to appreciate the condition of Kentucky on June 1, 1792. There were less than 100,000 residents of Kentucky. The British posts in the Northwest had not been surrendered. Indian tribes, led by the great statesman and warrior, Tecumseh, were active and aggressive. There was haunting fear of the closing of the Mississippi. As measured

by modes of travel of today, she was months separated from the seat of the Federal Government and the capitals of her sister States, the interests of some of which she held justly to be hostile to her interests.

"As revealed by the vote of the majority of her representatives in the Virginia convention, she was opposed to the ratification of the Federal Constitution, sharing the views of the seer, statesman, orator, Patrick Henry. With no stable financial system, pressed with the burden of military organizations and Indian campaigns, the prospect might daunt the bravest. Yet her very settlement, her history during the brief years from the entrance of Boone in '69 till her admission as a State in '92 had revealed and developed a spirit of heroic self-reliance, of superb fortitude, of surpassing political wisdom.

"Kentucky pioneers made three great contributions to political science. For the first time in all the world there was granted the right of suffrage to man as man. For the first time representation was based on numbers, not on wealth nor education nor station of the inhabitants. For the first time they separated and reduced to definite terms the separation of the functions of government, separated not only the functions but the persons who should discharge legislative, executive, and judicial duties.

"They recognized the imperative necessity that the Mississippi should be free, to which in large, in major measure was due the acquisition of the Louisiana Territory. During the dangerous years, filled with hardships, the Kentuckians who followed Boone never faltered in their rigid determination that there should be free navigation of the Mississippi River. In largest measure it was due to them that Jefferson's dream became a reality. It was a Kentuckian, John Breckinridge, who introduced in the Senate the bill for the government of the Louisiana Territory and was appointed by Jefferson as Attorney General in his Cabinet largely for the purpose of codifying and administering the laws governing that Territory.

"It was Merriwether Lewis who with William Clark headed the Lewis-Clark expedition that went to the Pacific and laid the foundation for the creation of the States of the West. The mere list of the States created from the Louisiana Purchase indicates something of how great would have been the change had they remained under Spanish or French dominion—Louisiana, Missouri, Arkansas, Iowa, Minnesota, Kansas, Nebraska, Colorado, North Dakota, South Dakota, Montana, Wyoming, and Oklahoma. It is true that part, one-third of Minnesota and Colorado and mayhap one-fifth of Wyoming and Montana, was not included in the Louisiana Purchase, but had a hostile power obtained control of the Louisiana Territory, no part of those States would today be included in the boundaries of the United States. Had the royal edict forbidding the settlement of Kentucky been obeyed, George Rogers Clark would not have won the Battle of Vincennes and gained an empire for the young Nation.

"Can human imagination picture the difference in the history of the world had the French or the Spaniard remained in control of the Louisiana Territory, from which has been carved the empire States of the West and the Southwest, and had the English retained the Northwest?

"Kentuckians they were who persuaded Jefferson to abandon or disregard his view that the Constitution as adopted did not permit the acquisition of new territory but required an amendment thereto. George Rogers Clark—Lewis and Clark would never have conducted their expeditions had it not been that because of the migrations from Virginia and North Carolina and Tennessee, Kentucky was won by the English-speaking race.

"And that is but a part of the influence that Kentucky has had. Henry Clay, elected Speaker of the House of Representatives in his first term in Congress, changed the office of Speaker from that of a mere presiding officer to the second greatest office in the Government. Primarily due to him it was that the second war of independence was launched, the last battle of which was won at New Orleans by Kentuckians under Jackson, who, behind their cotton bales, held their fire until they could see the eyeballs of the advancing Redcoats.

"Kentuckians they were, led by the son of Henry Clay, who won the Battle of Buena Vista, where young Henry Clay gave his life for his country and helped make certain the independence of Texas.

"Had the citizens of Kentucky been united either for the Confederacy or for the Union, the story of the War between the States might have been different. Here in these hills and valleys and coves there was such passionate devotion to the Union that from them went an army greater in numbers than the quota fixed by the Federal Government for the State to furnish. Abraham Lincoln and Jefferson Davis were but typical of the division among Kentucky's sons. It may well be that the devotion of the people of the mountains of Kentucky to the Union made the Federal forces triumphant.

"A noble race it is that inhabits these mountains. In every State sons from these highlands have played a great part. I know of no other instance in American history where a man who followed one vocation until past 40 and then gave up the profession of medicine to become a lawyer achieved the highest distinction that can be given to an American lawyer—an appointment to the Supreme Court—as did Justice Miller, of Barbourville. And he was but a type of the brain, the spirit, and the blood that is found throughout this land where they look to the hills from whence cometh strength.

"And what of the future? In the days when I first came to these mountains, more than 50 years ago, Kentucky was divided into six great territories—the valley of the Cumberland, the valley of the Big Sandy, the valley of the Kentucky, the valley of the Licking, the valley of the Tennessee, and the valley of the Green. Today, with good roads, we from the blue grass, from the valley of the Kentucky, others from the valley of the Licking, the Tennessee, the Green, can come in fewer hours than it then took days to come, fewer hours than it took our pioneer forebears weeks.

"Homogeneous, we are, in tradition and in blood. But we have not always been alike in aspiration. Now, we may become so; with better acquaintance, with more frequent visits, with freer intercommunication and with full knowledge and deep reverence for the past, we may turn our face to the future with the assurance that they who are descendants from the builders of the State, from the men who led to the Pacific, who won an empire at Vincennes, who demanded and obtained the right to free navigation of the Mississippi, who waged triumphantly the second war of independence, who helped to preserve the Union, will carry on as worthy sons and daughters of the pioneer men and women who trod the Wilderness Trail, builded a commonwealth of homes where virtue abides and courage rules, and won an empire for the English-speaking race of which they are today so great a part."

[From the Lexington (Ky.) Herald, Tuesday, June 5, 1934.]

GO TO THE HILLS WHERE BEAUTY ABIDES

Have you ever been to the mountains in laurel time? Have you ever driven from Lexington past the fallow fields of Fayette, down the gorge of the Kentucky, up the hill that leads to the rolling meadows of Madison, on to Berea, through Mount Vernon, London, Corbin, across the Rockcastle to Pineville, then to Middlesboro, Cumberland Gap, and climbed the mountain to the Pinnacle?

You have never driven over more beautiful roadways, never traveled through more varied and more alluring scenery. No one can adequately picture, we do not even attempt to describe, the beauty of the fields and meadows, the charm of the ravines and the gorges, the lure of the hillsides, the glory of the mountains.

The laurel, magnolia, tulip trees are now in bloom. The rhododendron will quickly come. For the next several weeks the varied greens of the shrubs and trees will be splashed with the vivid color of the blossoms. And that drive is but an introduction to the hills and the valleys of the Cumberland. Only some 4 or 5 hours it takes to run from Lexington to Cumberland Gap. Yet much longer time may well be taken. Days are spent by many in visting lands not nearly so lovely, so redolent with romance, so pregnant with great possibilities as is the territory traversed in the trip from the Blue Grass to the Cumberlands.

Thousands and tens of thousands visit Pike's Peak. We found in our mail upon our return from a trip to Pineville, pictures of the Chilean Andes, the Pao de Assucar, Rio de Janeiro; the Lago del Inca in the Chilean Andes, and the Aconcagus from the Argentine side. The altitude of these mountains is higher, the gorges are deeper, it is true, than the mountains of Kentucky, Virginia, North Carolina, and Tennessee. But the country is little more striking, the sense of space and of power is scarcely less.

From the Pinnacle Rock one can see Kentucky, Tennessee, Virginia, North Carolina, Georgia, and Alabama, the six great States that are the reservoir of the purest blood of the English-speaking race, in which there are contrasts between the leaders of the civilization of today and representatives of the civilization, customs, language, and thought of centuries ago.

Only a century and a half it is since the long hunters started the migration that led to the settlement of Kentucky, to the conquest and preservation of the continent by that civilization known today as American.

Can anyone standing on that peak and gazing over that far-flung land picture what the next century and a half will hold? Is it not worth while for us of the lowlands to become familiar with both the people and the beauties of the highlands?

The Pinnacle and Cumberland Gap are but two of the innumerable points of interest in that great domain drained by the Cumberland, the Kentucky, and the Big Sandy. Cumberland Falls, which is reached by a road that passes through one of the most beautiful sections we have ever traversed, is well worth visiting, even by those who have feasted their eyes on the glory of Niagara Falls and have seen the falls of Yosemite.

Days, if not weeks, may well be spent in becoming acquainted with the hills and the valleys of eastern and southeastern Kentucky. The cities and towns and villages that have grown up in those hills are well worth visiting. There are tourist camps scattered throughout the whole region. There are numerous excellent inns and traverns and hotels where the courtesy of generous hospitality makes the visitor feel as though among home folk. There are golf courses and country clubs. The second oldest golf course in America, so it is said, and as beautiful as any in all America, is at Middlesboro. At Harlan the country club and golf course give indication that the men and women of that highland country have time for social companionship and healthful recreation.

The streams and the lakes give the disciples of Izaak Walton opportunity to display their skill with the assurance of fitting reward. In the not-distant future there will be great game and fish preserves, as there should be, where deer and wild turkey will roam the forests, where bass and trout and blue catfish will teem the rivers and streams.

We do not now attempt to tell of the pageant held at Pineville June 1, the one hundred and forty-second anniversary of the admission of Kentucky to the Union. We have never seen so

remarkable a natural amphitheater as that in which that pageant was held. It must be seen for one to have even an adequate realization of its charm and unique construction by the Master's hand. The sounding board that projects the music of instruments, the voices of speakers and singers hundreds of feet, faces a gradually rising slope upon which thousands may sit and everyone see the natural platform at the base of the cliff.

There could not be a lovelier sight than the procession of young girls from a score of schools and colleges, garbed in striking colors, as they marched from the thicket of the bending, blooming laurel onto the stage and then, as the court of the queen gathered, a hundred or more all gowned alike, holding the royal court.

One of the most inspiring, as it was the most striking, features of the pageant was the demonstration of generous, whole-hearted cooperation between the various communities of that region. From London and Barbourville, from Corbin and Williamsburg, from Middlesboro and Harlan there were men and matrons and maids who united with the citizens of Pineville in making of the pageant a revelation of a people instead of only a pageant of a country.

It has been many years since we were last in that section. Pressure of obligation, lack of time kept us from staying so long as we wanted to stay, or visiting so many people as we wanted to visit. But it will not be long till we go back. We do a favor to whomever is induced by what we say to make the tour of the mountains and become acquainted with the people and familiar with the beauties of our State.

ADDRESS BY DEAN WEST, OF PRINCETON

Mr. LONERGAN. Mr. President, I ask unanimous consent to have inserted in the RECORD an address by Dean West to the Nassau Club, of Princeton University, as published in the Princeton Alumni Weekly.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Princeton Alumni Weekly]

Dean West

Gentlemen of the Nassau Club, in view of these encomiums of the president, if I were modest, I would blush; I do not blush, whatever be the reason. I am grateful indeed for this complimentary dinner, and so will anyone in this room be at a similar dinner when he is 81.

Princeton is a home town. When its men are not at their work they are at home, as a rule; and that characteristic of this community has persisted from generation to generation. So much so that one English visitor, coming back to Princeton after 20 years' absence, said: "In the regularity and stability of its life, it is the analogue of the solar system."

So it is the fact that it is a home-living and home-loving town that makes Princeton a delightful place to live in; and if those born here are fortunate, we who were not born here and live here may consider ourselves fortunate that we were born at all.

It is a good place to grow old in, and it seems to me that there are more happy old persons here than in other communities. It is indeed a good place to grow old in, and I can say truly that the last few years have been among the happiest of my life.

I am reminded of a conversation I had with Thomas Hughes, the author of Tom Brown, at Oxford, at a time when I was 25 and he was very old. He spoke of some of the lessons a long life can teach, and said to me, "The two finest times in life are the sunrise and the sunset." One lesson it seems to me is this: That we should seek happiness and wish to live at all times in a happy manner. That is not always a very easy thing to do. It is not the spirit of great self-esteem which is the great spirit. Anybody can have that. It has also been constantly impressed upon me that we should not live on our dislikes, but should realize there is some good in every man and should look out for that; and if that is developed other good things will develop. That was one of the reasons for the very happy success of President Hibben. He looked for the good in every man.

And then there is another thing. A man should have the instincts of a gentleman. The humblest laborer in the ditch is often a better gentleman than his employer. Being a gentleman is not a matter of speech, clothes, or manner; it is a matter of something inside; and that something inside has two factors: First, a gentleman will not take a mean advantage of another; he may take an honorable advantage, but a mean advantage, never; and the second and higher trait, the highest in fact, is that a gentleman is always considerate of others, even if they are not considerate of him. Another element that affects our happiness is station in life, position, wealth, public office, or distinction. All well enough. But position and wealth alone will not lead to happiness. They do not settle the internal things, the real things of life.

In this connection I am reminded of a very wise remark by President Patton in commenting on the attempts to construct a Christianity without Christ. He said: "If you take from anything everything which makes it something, you have nothing." If you take from life certain invisible things and then talk of happiness, you have nothing. What are those invisible things? Well, I should say courage, courage not merely to dare, but the higher courage to endure; another is fidelity; another is patience; another, kindliness; another, the greater one, is friendliness. Leave these out and life is scarcely worth living. The everything which made life something is nearly all gone. And so, if this is true, and I believe it is, the internal life counts most and the external life least. If the inside is right, the outside will take care of itself, whether we have wealth and station or not.

Then, there are faith and hope, the two guiding lights which help do much toward making a really happy life. These are things beyond the range of the physical elements, beyond the range of the ponderable; they are the imponderable things, the things that determine our careers.

And so, as I come to the close of this talk, I am reminded of the words of William Watson, the English poet who went insane, afterward recovered his reason, and expressed the beautiful spirit of life in his lines:

"As we wax older on this earth,
Till many a toy that charmed us seems
Emptied of beauty, stripped of worth,
And mean as dust and dead as dreams—
For gauds that perished, shows that passed,
Some recompense the fates have sent:
Thrice lovelier shine the things that last,
Things that are more excellent."

And now let me close with the familiar and beautiful words of Browning:

"Grow old along with me!
The best is yet to be,
The last, for which the first was made."

TEXTILE-LABOR SETTLEMENT—GENERAL JOHNSON'S STATEMENT

Mr. BAILEY. Mr. President, I ask unanimous consent that there may be printed in the RECORD the text of the statement of Gen. Hugh S. Johnson on the textile labor settlement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TEXT OF JOHNSON STATEMENT ON TEXTILE LABOR SETTLEMENT

(WASHINGTON, June 3.—The text of Gen. Hugh S. Johnson's statement that his order for 25-percent curtailment in the cotton textile industry would stand and that the strike scheduled for tomorrow had been averted follows:)

The threatened cotton textile strike was conditioned on N.R.A. rescinding its own order restricting machine hours 25 percent during the usual summer slump, which for the past few years has averaged approximately 25-percent decline in production. At present there is a very large surplus of goods unsold and disastrous shut-downs were threatened. The idea of the order was to spread these inevitable reductions over the whole industry equally (with exceptions for the smaller mills and certain special cases) and thus to sustain employment on the widest possible basis.

PREVENTS LONG SHUT-DOWNS

The order prevented shut-downs for long periods by requiring that reductions be by days instead of weeks or months, except that shut-downs for normal causes, such as inventory, repairs, etc., shall not be prevented.

No argument against either the wisdom or the equity of this order has been presented. On the contrary, labor representatives in the present conference admitted the necessity for this action and that the strike was not against the order at all, but only to secure a 33⅓-percent increase in hourly rates of pay and certain other demands.

STRIKE ORDER RESCINDED

While N.R.A. is willing to do anything it can to compose differences as they arise it cannot proceed to any action under the threat of a strike against its own order. Accordingly, the first article of settlement countermands the strike order.

Labor representatives in the present conference now concede that the real issues are:

1. Their right to represent members of their union in collective bargaining.

2. Certain other grievances alleged to be in violation of the code; but principally.

3. A demand for an increase of 33⅓ percent in the labor element of the cost of cotton textiles.

There is no question that labor is entitled to prompt and effective relief of any just complaint under 1 and 2, or of the duty of N.R.A. to secure it. The most effective instrumentality we have as yet tried in labor disputes was the President's suggestion in the settlement of the automobile strike.

There is already an industrial relations board in the cotton textile industry and it has functioned exceptionally well—better, perhaps, than any similar set-up; but to bring it into the field of action of the Wollman board its powers required further definition and its membership had to include a representative of labor in the cotton textile industry.

ACCEPTED BY LABOR

A basis of settlement was the administrator's agreement to urge upon this industry such definition and amendment of the industrial relations board as would accord with the President's formula in the automobile settlement. Labor accepts this and it is believed that this will go far to quiet the present unrest and prevent future disturbance.

Labor in this industry is also to be given representation on the labor advisory board and is to have an adviser to the Government members on the code authority. Studies of all assertions of other general grievances are to be continued.

So much for the first two causes of complaint. As to wages, it is clear that no such violent increase as 33⅓ percent in all wage scales, if any, can be considered at this time. The rise in the price of cotton textiles has been one of the chief consumer complaints.

INCREASE IN COST

Including the processing tax, raw cotton costs have increased 150 percent. There has been a 70 percent increase in labor costs due to the code and other influences, and an increase of 94 percent in cost of labor, material, and supplies in cotton textiles.

A very clear cause of decreased consumption is this increased cost and increased prices which flow from it. In this situation any such increase in cost would paralyze production and employment and defeat the very ends aimed at.

The course of negotiations has not been helped by the concurrent newspaper debate between the parties to them. Fairness to N.R.A. and to a great industry and to its accomplishments for labor under the N.R.A. compels me to correct several inaccurate statements which appeared in news dispatches yesterday and which were attributed to officials of the United Textile Workers.

A statement that the administration of the cotton textile code "through lack of enforcement has brought it to a point of precode conditions" is simply without foundation in fact. I know of no code under the N.R.A. that is administered more conscientiously and more effectively than this code has been and is being administered by its code authority.

FINDS WAGES HIGHER

The statement that wages "have been forced down to lower than ever before" is equally unfounded. The very opposite is true. The record shows that the present hourly wage rate as well as weekly earnings adjusted to living costs (real wages) have reached and passed the highest 1929 level.

Between April 1933 and April 1934 pay rolls in this industry increased over 100 percent; between March 1933 and April 1934 employment increased 34 percent. Average actual weekly earnings increased between March 1933 and February 1934 about 35 percent.

The improvement of labor conditions under this code surpasses that in any other industry and, in addition to the wage improvements mentioned, includes the wiping out of unfavorable working conditions, such as child labor, unconscionable hours, and unregulated stretch-out.

WORK OF INSTITUTE

The improvements have been retained and at the time they were obtained through an N.R.A. code hearing and months of patient work with the Cotton Textile Institute prior to the code there was no substantial labor organization in the industry.

For that work the generous cooperation of the industry, with the steady insistence of N.R.A., deserves credit. In such circumstances insistence that labor in this industry cannot expect protection under the code except through membership in a particular union is also unwarranted. It is not necessary to be a member of a particular union in order to enjoy the benefits of the cotton-textile code.

This is code no. 1—that of the first industry to answer the President's early observations on the benefit of the principles of N.I.R.A., made weeks before the enactment of the law. Strictures on the good faith of that industry are unwarranted and unjust.

TEXT OF SETTLEMENT

The text of the settlement follows:

1. Strike order to be countermanded without prejudice to the right of labor to strike.

2. One representative of employees of the cotton-textile industry to be appointed by the Secretary of Labor to labor advisory board.

3. One representative of employees of the cotton-textile industry to be appointed labor adviser to Government members on cotton-textile code authority.

4. Authority of cotton-textile national relations board to be defined by administrative order to include all subjects mentioned in paragraph 7 hereof. Membership of said board to be increased by one representative of employers and one representative of employees from the cotton-textile industry.

5. If these conditions are accepted I will urge the cotton textile code authority to accept and agree to abide by the foregoing amendment to the industrial relations board provisions.

6. Investigation and reports upon the following questions to be made by N.R.A. division of planning and research in conjunction with revised industrial relations board:

(a) What productive machine hours are necessary to meet normal demand (within 10 days)?

(b) What increase, if any, in wage rates is possible (within 14 days)?

(c) Have wage differentials above the minimum been maintained (within 30 days)?

(d) What changes have taken place in man-hour productivity?

(e) The division of planning and research to cooperate with the industrial relations board in completing its studies of the work load for the use of the board in dealing with all controversies over the stretch-out or specialization system.

7. The cotton-textile industrial relations board will continue to handle all pending or future claims and complaints of discrimination, representation, inaccurate entries on pay envelopes, unwarranted reductions in classification, increased stretch-out, alleged violation of section 7 (a) and all other alleged violations of the code.

8. The seasonal character of the cotton-textile business and the necessity for temporary reductions in machine hours from time to time is recognized by the representatives of the labor organizations.

EXTENSION OF TEMPORARY PLAN FOR DEPOSIT INSURANCE—CONFERENCE REPORT

Mr. FLETCHER. I move that the Senate proceed to the consideration of the conference report on the bill to amend the Federal Reserve Act, being Senate bill 3025. It will, I think, take but a few moments.

Mr. HAYDEN. Mr. President——

The VICE PRESIDENT. The Chair will state that the adoption of the motion will not displace the pending unfinished business, the motion of the Senator from Florida having relation to a privileged report.

Mr. HAYDEN. I have no objection to the consideration of the report.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3025) to amend section 12B of the Federal Reserve Act so as to extend for 1 year the temporary plan for deposit insurance, and for other purposes.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3025) to amend section 12B of the Federal Reserve Act so as to extend for 1 year the temporary plan for deposit insurance, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That section 12B of the Federal Reserve Act is amended—

"(1) By striking out 'July 1, 1934' wherever it appears in subsections (e), (l), and (y), and inserting in lieu thereof 'July 1, 1935';

"(2) By striking out 'June 15, 1934' where it appears in the last sentence of the third paragraph of subsection (y) and inserting in lieu thereof 'October 1, 1934';

"(3) By striking out 'June 30, 1934' where it appears in the first sentence of the fifth paragraph of subsection (y), and inserting in lieu thereof 'June 30, 1935';

"(4) By amending the second sentence of the fifth paragraph of subsection (y) to comprise two sentences reading as follows: 'The provisions of such subsection (l) relating to State member banks shall be extended for the purposes of this subsection to members of the fund which are not members of the Federal Reserve System, and the provisions of such subsection (l) relating to the appointment of the Corporation as receiver shall be applicable to all members of the fund. The provisions of this subsection shall apply only to deposits of members of the fund which have been made available since March 10, 1933, for withdrawal in the usual course of the banking business.';

"(5) By adding to the sixth paragraph of subsection (y) the following: 'The Corporation shall prescribe by regulations the manner of exercise of the right of nonmember banks to withdraw from membership in the fund on July 1, 1934, except that no bank shall be permitted to withdraw unless 10 days prior thereto it has given written notice to the Corporation of its election so to do. Banks which withdraw from the fund on July 1, 1934, shall be entitled to a refund of their proportionate share of any estimated balance in the fund on the same basis as if the fund had terminated on July 1, 1934.';

"(6) By adding to the end of the fourth paragraph of subsection (y) the following new paragraphs:

"'On and after July 1, 1934, the amount eligible for insurance under this subsection for the purposes of the October 1, 1934 certified statement, any entrance assessment, and, if

levied, the additional assessment, shall be the amounts not in excess of $5,000 of the deposits of each depositor.

"'Each mutual savings bank, unless it becomes subject to the provisions of the preceding paragraph in the manner hereinafter provided, shall be excepted from the operation of the preceding paragraph and for each such bank which is so excepted the amount eligible for insurance under this subsection for the purposes of the October 1, 1934 certified statement, any entrance assessment, and, if levied, the additional assessment, shall be the amounts not in excess of $2,500 for the deposits of each depositor. In the event any mutual savings bank shall be closed on account of inability to meet its deposit liabilities the Corporation shall pay not more than $2,500 on account of the net approved claim of any owner of deposits in such bank: *Provided, however,* That should any mutual savings bank make manifest to the Corporation its election to be subject to the provisions of the preceding paragraph the Corporation may, in the discretion of the board of directors, permit such bank to become so subject and the insurance of its deposits to continue on the same basis and to the same extent as that of fund members other than mutual savings banks.

"'The Corporation, in the discretion of the board of directors, may open on its books solely for the benefit of mutual savings banks an additional Temporary Federal Deposit Insurance Fund (hereinafter referred to as the "Fund For Mutuals") which, if opened, shall become operative on or after July 1, 1934, but prior to August 1, 1934, and shall continue to July 1, 1935. If the Fund For Mutuals is opened on the books of the Corporation, each mutual savings bank which is or becomes entitled to the benefits of insurance during the period of its operation shall be a member thereof and shall not be a fund member. All assessments on each mutual savings bank, including payments heretofore made to the Corporation less an equitable deduction for liabilities and expenses of the fund incurred prior to the opening of the Fund For Mutuals, if opened shall be transferred or paid, as the case may be, to the Fund For Mutuals. All provisions of this section applicable to the fund and not inconsistent with this paragraph shall be applicable to the Fund For Mutuals if opened, except that as to any period the two are in operation the fund shall not be subject to the liabilities of the Fund For Mutuals and the Fund For Mutuals shall not be subject to the liabilities of the fund. Each mutual savings bank admitted to the fund shall bear its equitable share of the liabilities of the fund for the period it is a member thereof, including expenses of operation and allowing for anticipated recoveries.';

"(7) By striking out the period at the end of the first sentence of the fifth paragraph of subsection (y) and inserting in lieu thereof a comma and the following: 'if the member closed on or before June 30, 1934, and not more than $5,000 if closed on or after July 1, 1934.';

"(8) By (a) striking out 'July 1, 1936', in the first sentence of subsection (l) and inserting in lieu thereof 'July 1, 1937', (b) striking out the words 'July 1, 1936' in the seventh paragraph of subsection (y) and inserting in lieu thereof 'July 1, 1937', and (c) adding after the seventh paragraph of subsection (y) the following new paragraph:

"'Until July 1, 1937, any State bank may obtain the benefits of this section on and after the date the fund is terminated upon the conditions with regard to examination, certification, and approval governing the admission of State banks to the fund and upon purchasing such class A stock or making such a deposit as is prescribed in the preceding paragraph for former fund members.'

"(9) By adding at the end of the first paragraph of subsection (v) the following new paragraph:

"'Every insured bank shall display at each place of business maintained by it a sign or signs to the effect that its deposits are insured by the Federal Deposit Insurance Corporation. The Corporation shall prescribe by regulation the form of such sign and the manner of its display. Such regulation may impose a maximum penalty of $100 for each day an insured bank continues to violate any lawful provisions of said regulation.'; and

"(10) By amending the first sentence of the second paragraph of subsection (y) by inserting within the parentheses and immediately after the words 'District of Columbia' the words 'and the Territories of Hawaii and Alaska.'

"SEC. 2. The first paragraph of section 9 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 321), is amended by adding after the second sentence thereof a new sentence to read as follows: 'For the purposes of membership of any such bank the terms "capital" and "capital stock" shall include the amount of outstanding capital notes and debentures legally issued by the applying bank and purchased by the Reconstruction Finance Corporation.'

"SEC. 3. (a) The Reconstruction Finance Corporation Act, as amended, is amended by adding before section 6 thereof the following new section:

"'SEC. 5e. (a) The Corporation is authorized and empowered to make loans upon or purchase the assets of any bank, savings bank, or trust company, which has been closed on or after December 31, 1929, and prior to January 1, 1934, and the affairs of which have not been fully liquidated or wound up, upon such terms and conditions as the Corporation may by regulations prescribe. If in connection with the reorganization, stabilization, or liquidation of any such bank, assets have been trusteed or are otherwise held for the benefit of depositors or depositors and others, the authority, subject to regulations, as provided in the preceding sentence, shall be extended for the purpose of authorizing the Corporation to purchase or make loans on such assets held for the benefit of such depositors or depositors and others. This authority shall also extend to any such institution that has reopened without payment of deposits in full. In making any purchase of or loan on the assets of any closed bank, the Corporation shall appraise such assets in anticipation of an orderly liquidation over a period of years, rather than on the basis of forced selling values in a period of business depression. This authority shall also extend to assets of the character made eligible by this section as security for loans without regard to whether the Corporation has heretofore made loans thereon.

"'(b) The Corporation shall purchase at par value such debentures or other obligations of the Federal Deposit Insurance Corporation as are authorized to be issued under subsection (o) of section 12B of the Federal Reserve Act, as amended, upon request of the board of directors of the Federal Deposit Insurance Corporation, whenever in the judgment of said board additional funds are required for insurance purposes: *Provided,* That the Corporation shall not purchase or hold at any time said debentures or other obligations in excess of $250,000,000 par value: *Provided further,* That the proceeds derived from the purchase by the Corporation of any such debentures or other such obligations shall be used by the Federal Deposit Insurance Corporation solely in carrying out its functions with respect to such insurance.

"'(c) The amount of notes, bonds, debentures, and other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by $250,000,000.'

"SEC. 4. So much of section 31 of the Banking Act of 1933 as relates to stock ownership by directors, trustees, or members of similar governing bodies of member banks of the Federal Reserve System, is hereby repealed."

And the House agree to the same.

DUNCAN U. FLETCHER,
CARTER GLASS,
ROBERT J. BULKLEY,
JOHN G. TOWNSEND, JR.,
F. C. WALCOTT,
Managers on the Part of the Senate.

HENRY B. STEAGALL,
T. ALAN GOLDSBOROUGH,
ROBERT LUCE,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report.

Mr. COUZENS. Mr. President, may I ask the Senator what the conferees did with respect to the provisions in the House amendment liberalizing the payments to depositors in closed banks?

Mr. FLETCHER. They authorized the Reconstruction Finance Corporation to make loans to closed banks or to purchase the assets of closed banks.

Mr. COUZENS. Is it in different form from what it was prior to the agreement of the conferees?

Mr. FLETCHER. No; there is no difference.

Mr. COUZENS. Does the conference report change the provision with respect to loans by the Reconstruction Finance Corporation in any way?

Mr. FLETCHER. I think not. I do not recall any change.

Mr. COUZENS. In other words, the conferees have not liberalized the provision?

Mr. FLETCHER. Oh, yes; in this case the provisions were liberalized. Under the Reconstruction Finance Corporation Act they could make loans only on full and adequate security. That is liberalized to the extent that loans may be made on terms extending over a period of time in order to give time to liquidate the assets of closed banks. There is a more liberal basis provided for loans.

Mr. COUZENS. What yardstick is set up for making loans? Was that changed in any way?

Mr. FLETCHER. We agreed to the House provision as to that.

Mr. COUZENS. Is there any change in the maximum of loans permitted to any one bank or industry? The Senator will recall that the act provides, I think, a maximum loan of $90,000,000 to one industry. Was there any change in that respect?

Mr. FLETCHER. There was no change in that part of the bill that I recall. It was liberalized to the extent that the Reconstruction Finance Corporation making the loans will consider them on the basis of long-term liquidation. That is about the only change made.

I will say that the conference report has been agreed to by the House. It is a unanimous report. I shall be glad to answer any further questions about it.

The main features are that the temporary insurance fund provision is extended for 1 year and the amount insured is raised according to the House provision, from $2,500 to $5,000. There is no change in the permanent policy except that the plan is extended for 1 year.

Provision is made to enable State banks to come in and enjoy the benefits of the system provided they qualify before July 1, 1937. Provision is made for eliminating the requirement of the National Banking Act of 1933 whereby in order to qualify as a director the stockholder had to have $2,500 par value of stock. That has been repealed and we now go back to the provisions of the original act.

Those are the particular provisions which are affected by the bill.

Mr. COUZENS. Did the conferees have any information before them as to the probable amount of additional loans which would be made by the Reconstruction Finance Corporation under the liberalized authority?

Mr. FLETCHER. The bill now provides that the Reconstruction Finance Corporation's borrowing power shall be extended by the amount of $250,000,000. They may invest in the debentures of the Federal Deposit Insurance Corporation up to $250,000,000 if it shall be needed in order to pay off the depositors.

Mr. COUZENS. Did the conferees take into consideration the appropriation bill passed by the House authorizing the President to use the funds of the Reconstruction Finance Corporation in any manner he chooses?

Mr. FLETCHER. I think no reference was made to that.

Mr. COUZENS. It seems to me there is developing a conflict with respect to the use of the Reconstruction Finance Corporation funds. Different measures which have been passed have provided for use of the Reconstruction Finance Corporation funds without having those uses coordinated in any respect. I am wondering where we are drifting with respect to the use of the Reconstruction Finance Corporation funds.

Mr. FLETCHER. I think the question with which we are concerned is whether there will be funds to meet the demands of the depositors. I believe ample provision has been made for that purpose. The assessment on the banks under the temporary fund is 1 percent of the amount of the deposits, one-fourth of which is paid at the beginning when they enter the system and the remaining three-fourths as called for by the insurance corporation. This will furnish resources to the amount of some $400,000,000 for this fund, and in addition to that the Reconstruction Finance Corporation can provide for $250,000,000 more. It is thought that will be ample to cover any possible contingency. There is no limit to the assessment on the banks in the permanent fund, and that is a matter which may be taken up within a year, because the plan is extended for a year.

Mr. COUZENS. May I inquire if the funds which the Federal Deposit Insurance Corporation are authorized to secure from the Reconstruction Finance Corporation are to be repaid?

Mr. FLETCHER. It is an emergency provision in case that fund should be needed. I do not believe they will ever need it at all, but in order to make it safe we provided for the extension of the power of the Reconstruction Finance Corporation to enable it to borrow $250,000,000 to put into the fund.

Mr. COUZENS. Is it contemplated that the Federal Deposit Insurance Corporation will repay that at some time?

Mr. FLETCHER. Oh, yes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

ANNUAL CONSIDERATION OF PERMANENT APPROPRIATIONS

Mr. HAYDEN. Mr. President, I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 9410) providing that permanent appropriations be subject to annual consideration and appropriation by Congress, and for other purposes.

Mr. HAYDEN. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that committee amendments be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HAYDEN. I also ask unanimous consent that the clerks be authorized to correct all section and paragraph numbers of the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF MINERAL LANDS LEASING ACT OF 1920

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the bill (S. 3723) to amend the Mineral Lands Leasing Act of 1920 with reference to oil- or gas-prospecting permits and leases. This is a bill which is in the nature of an emergency measure for drought relief. There is no objection to it. I have consulted Members of the Senate on both sides of the Chamber.

The leasing act authorizing the issuance of oil and gas permits and leases on the public domain does not in its present form authorize the development of water wells, and as a result, valuable supplies of water, discovered in the search for oil, have been shut off. It frequently happens that water rather than oil or gas is found by operators. This bill will make such water available for beneficial use.

Some years ago, on what is known as the "Red Desert" in Wyoming, prospectors under an oil and gas permit drilled to a depth of 2,250 feet but failed to encounter oil. At a depth of 1,750 feet a large flow of water was discovered amounting to approximately 42,000 gallons a day.

The operators deserted the well, but by virtue of the regulations were liable under their drilling bond for the cost of

plugging the well. To do this work properly, saving the casing which was in the hole, would, it was estimated, cost about $10,000 more than the salvage value of the casing. The bonding company rather than go to this expense elected to allow the Government to develop the well as a source of water, paying the cost of this work which amounted to something less than $1,400. Although the water is not suitable for domestic purposes it is altogether suitable for stock water and it is now being used for that purpose.

However, under the present law both the oil company and the bonding company could have plugged the well and destroyed its usefulness. This undoubtedly is what would have happened had it not been that the cost of conditioning it as a water well was much less in this instance than that of removing the casing and plugging the well.

The cost of drilling 1,750 feet for water itself would probably have been prohibitive. This bill affords the means whereby these deep wells—and all others, of course—drilled for oil may be put to a beneficial use when water is discovered.

Mr. McNARY. Mr. President, the Senator from Wyoming asked unanimous consent the other day for the consideration of the measure, and I objected at the time. Since then I have made some investigation and the Senator from Wyoming has discussed the matter with me. It applies to some of the exhausted oil wells in the oil fields of the West. I have no objection to the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming?

Mr. HAYDEN. Mr. President, if it may be understood that the measure has been generally agreed to and its consideration will not lead to debate, I shall not object to temporarily laying aside the unfinished business for the purpose of its consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate proceeded to consider the bill (S. 3723) to amend the Mineral Lands Leasing Act of 1920 with reference to oil- or gas-prospecting permits and leases, which had been reported from the Committee on Public Lands and Surveys with amendments.

The amendments were, on page 2, line 1, after the word "valuable", to strike out "for agricultural or domestic use" and insert "and usable at a reasonable cost for agricultural, domestic, and other purposes"; in line 6, after the word "Secretary" to insert, "*Provided*, That the land on which such well is situated shall be reserved as a water hole under section 10 of the act of December 29, 1916"; in line 18, before the word "disposing", to strike out "selling or otherwise"; in line 18, after the word "water" to insert "for beneficial use on other lands"; on page 3, line 1, before the words "such water" to strike out "purchase or lease" and insert "make beneficial use of"; after line 9 to strike out "(e) Nothing in this section shall be construed to apply to water wells which are necessary for operations under any such lease or permit", and to insert in lieu thereof "(e) Nothing in this section shall be construed to restrict operations under any oil or gas lease or permit under any other provision of this act"; so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended, is amended by adding the following new section:

"SEC. 40. (a) All prospecting permits and leases for oil or gas made or issued under the provisions of this act shall be subject to the condition that in case the permittee or lessee strikes water while drilling instead of oil or gas, the Secretary of the Interior may, when such water is of such quality and quantity as to be valuable and usable at a reasonable cost for agricultural, domestic, or other purposes, purchase the casing in the well at the reasonable value thereof to be fixed under rules and regulations to be prescribed by the Secretary: *Provided*, That the land on which such well is situated shall be reserved as a water hole under section 10 of the act of December 29, 1916.

"(b) In cases where water wells producing such water have heretofore been or may hereafter be drilled upon lands embraced in any prospecting permit or lease heretofore issued under the act of February 25, 1920, as amended, the Secretary may in like manner purchase the casing in such wells.

"(c) The Secretary may make such purchase and may lease or operate such wells for the purpose of producing water and of using the same on the public lands or of disposing of such water for beneficial use on other lands, and where such wells have heretofore been plugged or abandoned or where such wells have been drilled prior to the issuance of any permit or lease by persons not in privity with the permittee or lessee, the Secretary may develop the same for the purposes of this section: *Provided*, That owners or occupants of lands adjacent to those upon which such water wells may be developed shall have a preference right to make beneficial use of such water.

"(d) The Secretary may use so much of any funds available for the plugging of wells as he may find necessary to start the program provided for by this section, and thereafter he may use the proceeds from the sale or other disposition of such water as a revolving fund for the continuation of such program, and such proceeds are hereby appropriated for such purpose.

"(e) Nothing in this section shall be construed to restrict operations under any oil or gas lease or permit under any other provision of this act."

The amendments were agreed to.

Mr. KING. Mr. President, I should like to ask the Senator whether the bill is confined to the State of Wyoming, or whether it applies to other States, and if so, to what extent?

Mr. O'MAHONEY. Mr. President, this is an amendment to the General Leasing Act. It authorizes the Secretary of the Interior to make use of water wells which are drilled anywhere upon the public domain by operators in search of oil or gas, and place the water at the disposal of farmers and ranchers to be used for the benefit of the public domain. It has the approval of the Department.

Mr. KING. I have no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNUAL CONSIDERATION OF PERMANENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H.R. 9410) providing that permanent appropriations be subject to annual consideration and appropriation by Congress, and for other purposes.

Mr. AUSTIN. Mr. President——

Mr. HAYDEN. I yield.

Mr. AUSTIN. I desire to ask the Senator from Arizona whether the pending bill in any manner disturbs the permanent appropriations for aid to the States for agricultural extension work, land-grant colleges, vocational education in agriculture, home economics, and trade and industry.

Mr. HAYDEN. None of those appropriations are in any manner disturbed, and it is so stated in the House report on the bill. The Senate committee went further than the House, not only in no manner affecting the permanent appropriations mentioned by the Senator, but we came to the conclusion that wherever there was a permanent appropriation upon which a State legislature had a right to rely it should not be disturbed.

Mr. AUSTIN. I thank the Senator for that statement. May I ask the Senator another question? It relates to item 21, on page 6—

Salaries and expenses, Federal Board for Vocational Education (fiscal year) (D–801).

Will the Senator please explain that item?

Mr. HAYDEN. That item very properly should be made an annual appropriation. It is for the salaries and expenses of a bureau operating in Washington. The money disbursed and supervised by that Bureau, which goes to the States, is not disturbed; but there is no reason why the salaries of the members of the Board should be carried in a permanent appropriation.

Mr. AUSTIN. I thank the Senator from Arizona.

Mr. FESS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. FESS. On the same page—page 6, in line 16—what is the disposition of the Library of Congress trust fund? What is to be done with it?

Mr. HAYDEN. A trust fund was created by donations of individuals to the Library of Congress. The House proposed to transfer that fund to the Federal Treasury. The committee could not see that such action was proper, because the money was not derived from the taxpayers of the United States. It was a gift to the Library to carry out a trust.

Mr. FESS. So the bill as it now stands, with the amendment, will not disturb that?

Mr. HAYDEN. No; it will leave the trust fund exactly as it is.

Mr. FESS. I think that is very wise, since something like $2,000,000 has come to the Library of Congress in contributions that are to be applied in accordance with the donations. That money surely ought not to be put into the general fund.

Mr. HAYDEN. The committee followed a uniform rule that where the source of a fund was a donation or gift, and in the nature of a trust, the trust should not be disturbed. In such a case as that of the Smithsonian Institution, we did not deem it proper to take funds donated to carry out the purposes of a particular trust, put them in the Treasury of the United States, and then have Congress review each year whether or not the purpose of the gift should be carried out.

Mr. FESS. I think that is a wise decision.

Mr. HAYDEN. For many years, beginning in the early history of the Government, we find instances where appropriations were made for a particular purpose beginning in a particular year, and then a provision that annually thereafter a certain sum of money might be expended for that purpose. That problem has been studied for some time by various committees of the House, but nothing was definitely done until a subcommittee of the House Committee on Appropriations attacked the problem most vigorously during the past year.

I desire to compliment the members of that subcommittee and the members of the House Committee on Appropriations for the care and the diligence and the profound study they gave to this subject. They have done, on the whole, a remarkable piece of work, which the Senate should be glad to approve.

However, when the bill came to the Senate, the Committee on Appropriations deemed it to be only proper that every department of the Government and every independent establishment should be notified that this legislation was pending; and a letter was written to the head of every such department or independent establishment, directing attention to the bill, and asking if there was anything in the bill to which the department or establishment had any objection.

Of course, a large number of departments had no objection at all, but in a number of instances reasons were presented why action taken by the House should not be concurred in by the Senate. The committee held extensive hearings, gave every bureau and every independent establishment full opportunity to be heard, and on the basis of the evidence thus adduced we have reported this bill, which we have amended in a number of particulars.

The two guiding thoughts with respect to amendments to the bill are, first, that where there is an annual appropriation upon which a State has a right to depend, it should be continued as a continuing appropriation, and not made subject to annual review by Congress. In no other way could the legislatures of the various States make their appropriations, which usually match these funds, except upon a definite understanding that certain sums should be available. The second principle is that wherever moneys have been placed in the custody of any institution of the Government in the nature of a trust—money that does not originate from taxation but is in the nature of a gift for the purpose of the trust—we would not disturb trusts of that nature.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. COUZENS. What is the meaning of the numerals after the respective items on page 2 and other pages?

Mr. HAYDEN. The House Committee on Appropriations, in making this very careful study, went through the books of the Treasury Department to find how the accounts were carried in the Treasury; and the symbols that Senators see throughout the bill refer to specific accounts carried on the books of the Treasury Department for ready identification.

With this brief explanation of the bill, I ask to have the bill read for action on the committee amendments.

The VICE PRESIDENT. The clerk will state the amendments reported by the committee.

The first amendment of the Committee on Appropriations was, on page 3, line 12, before the word "amounts", to insert "in such"; in the same line, after the word "by", to insert "the laws authorizing"; and in line 18, after the name "Treasury", to insert a colon and the following proviso: "*Provided*, That in addition to amounts in lieu of the permanent appropriation 'Meat inspection, Bureau of Animal Industry (fiscal year)' there is authorized to be appropriated such other sums as may be necessary in the enforcement of the meat-inspection laws (U.S.C., title 21, secs. 71 to 96, inclusive): *Provided further*, That the accounts of receipts and expenditures of the Soldiers' Home at Washington, D.C., shall be audited by the Comptroller General of the United States, and he shall report to Congress any irregularities disclosed", so as to read:

SEC. 2. (a) Effective July 1, 1935, the permanent appropriations under the appropriation titles listed in subsection (b) of this section are repealed, and such portions of any acts as make permanent appropriations to be expended under such accounts are amended so as to authorize, in lieu thereof, annual appropriations from the general fund of the Treasury in identical terms and in such amounts as now provided by the laws authorizing such permanent appropriations, except that any appropriation for "Adjusted losses and contingencies, postal funds", is authorized to be made from the postal revenues. Any unobligated balances remaining in the permanent appropriations under these accounts on June 30, 1935, shall be covered into the surplus fund of the Treasury: *Provided*, That in addition to amounts in lieu of the permanent appropriation "Meat inspection, Bureau of Animal Industry (fiscal year)" there is authorized to be appropriated such other sums as may be necessary in the enforcement of the meat-inspection laws (U.S.C., title 21, secs. 71 to 96, inclusive): *Provided further*, That the accounts of receipts and expenditures of the Soldiers' Home at Washington, D.C., shall be audited by the Comptroller General of the United States, and he shall report to Congress any irregularities disclosed.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to strike out:

(b) (1) Bequest of Gertrude M. Hubbard, Library of Congress, interest account (0x257).

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to strike out:

(2) Expenses of Smithsonian Institution, interest account (0x795).

The amendment was agreed to.

The next amendment was, on page 4, after line 16, to strike out:

(8) Soldiers' Home, interest account (8x185).

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

(13) Refund of excessive duties (Customs) (2x324).

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to strike out:

(23) Recoinage of silver coins (2x106).

The amendment was agreed to.

The next amendment was, on page 6, line 11, before the word "Operating" to strike out "(31)" and insert "(26)", and in line 13 to strike out "(8-962.51)" and insert "(8-962.60)" so as to read:

(26) Operating snag and dredge boats on upper Mississippi, Illinois, and Minnesota Rivers (fiscal year) (8-962.60).

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to strike out:

(33) Library of Congress trust fund, interest on permanent loan account (0x283).

The amendment was agreed to.

The next amendment was, on page 6, after line 17, to insert:

(c) Hereafter the Secretary of the Treasury is hereby authorized and directed to make payments on accounts arising under "Allowance or drawback (Internal Revenue) (2x438)", "Redemption of

stamps (Internal Revenue) (2x432)", "Refunding legacy taxes, act March 30, 1928 (2x430)", "Allowance or drawback (industrial Alcohol) (2x440)", and "Repayment of taxes on distilled spirits destroyed by casualty (2x431)", from the annual appropriation entitled "Refunding taxes illegally collected."

Mr. COUZENS. Mr. President, I should like to ask the Senator from Arizona to explain that section. I am not interested particularly in the whole section, but I notice at the top of page 7 there seems to be a provision for a continuing appropriation for refunding taxes illegally collected.

Mr. HAYDEN. No, Mr. President; it is not a continuing appropriation. The purpose of the amendment was to make provision so that the payments would be from one fund annually appropriated. Payments are now made from five different accounts, which are to be consolidated into one account, "Refunding taxes illegally collected", and that money is to be annually appropriated by Congress.

Mr. COUZENS. That is the provision of the bill, as I understand it.

Mr. HAYDEN. Yes; this amendment was requested by the Treasury Department.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to strike out:

(b) (1) Payments to States and Territories from the national forests fund (3s206).

The amendment was agreed to.

The next amendment was, on page 10, after line 7, to strike out:

(2) Roads and trails for States, national forests fund (3s212).

The amendment was agreed to.

The next amendment was, on page 10, after line 9, to strike out:

(3) Payments to school funds, Arizona and New Mexico, national forests fund (3s207).

The amendment was agreed to.

The next amendment was, on page 10, after line 11, to strike out:

(4) Payments to States under Federal Water Power Act, special fund (0s509).

The amendment was agreed to.

The next amendment was, on page 10, after line 13, to strike out:

(5) Payments to States from receipts under Mineral Leasing Act (4s171).

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to strike out:

(6) Wagon roads, bridges, and trails, Alaska fund (4s524).

The amendment was agreed to.

The next amendment was, on page 10, after line 17, to strike out:

(7) Public schools, Alaska fund (4s366).

The amendment was agreed to.

The next amendment was, at the top of page 11, to strike out:

(11) Annette Islands reserve, Alaska, fund from leases (5s740).

The amendment was agreed to.

The next amendment was, on page 11, after line 5, to strike out:

(14) Additional income tax on railroads in Alaska (2s442).

The amendment was agreed to.

The next amendment was, on page 11, after line 23, to strike out:

(23) Redistribution, funds for indigent, Alaska fund (2s109).

The amendment was agreed to.

The next amendment was, on page 12, after line 5, to strike out:

(27) National Guard, section 87, National Defense Act, fiscal year (8–715).

The amendment was agreed to.

The next amendment was, on page 12, after line 11, to strike out:

(30) Payments to States from receipts under Mineral Leasing Act (4s171).

The amendment was agreed to.

The next amendment was, on page 12, after line 13, to strike out:

(31) Yuma auxiliary irrigation project, Arizona (4s507).

The amendment was agreed to.

The next amendment was, on page 12, after line 15, to strike out:

(32) Alaskan reindeer fund (4s365).

The amendment was agreed to.

The next amendment was, on page 12, at the beginning of line 21, to strike out "(35) Migratory" and insert "(21) After June 30, 1938, migratory", so as to read:

(21) After June 30, 1938, migratory bird conservation fund (3s362).

The amendment was agreed to.

The next amendment was, on page 14, line 10, after the name "Patent Office", to strike out "and the Alaska Railroad", and in line 11, after the word "section", to strike out "21" and insert "19", so as to read:

SEC. 6. (a) Effective July 1, 1935, receipts theretofore authorized to be credited to the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section shall be deposited into the Treasury of the United States as miscellaneous receipts, and there are hereby authorized to be appropriated from the general fund of the Treasury such amounts as may be necessary for the Patent Office: *Provided*, That this paragraph shall be subject to section 19 insofar as such section is applicable to Patent Office fees.

The amendment was agreed to.

The next amendment was, on page 14, after line 13, to strike out:

(2) Alaska Railroad special fund (4s526).

The amendment was agreed to.

The next amendment was, on page 15, line 5, after the name "South Carolina", to insert "(2T084)", so as to read:

(6) Trust-fund interest for support of free schools in South Carolina (2T084).

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to strike out:

SEC. 8. Effective July 1, 1935, the appropriation account on the books of the Government entitled "Recreation Fund, Army" (8T078) is abolished and the balance thereof shall be covered into the surplus fund of the Treasury.

And in lieu thereof to insert:

SEC. 8. No portion of the "Recreation Fund, Army", constituted by the War Department Appropriation Act approved March 4, 1933, shall be available for expenditure at any time except in accordance with the terms of any appropriation which may be hereafter made.

The amendment was agreed to.

The next amendment was, on page 15, after line 14, to strike out:

SEC. 9. Effective July 1, 1935, (a) the naval hospital fund (7S815) is abolished, and any unobligated balance therein, as of that date, shall be covered into the surplus fund of the Treasury; (b) moneys theretofore required by law to be collected and paid into the credit of such fund shall be collected and deposited into the Treasury of the United States as miscellaneous receipts; and (c) there are hereby authorized to be appropriated from the general fund of the Treasury, commencing with the fiscal year 1936, for the purposes of the same character as those for which such naval hospital fund was available prior to July 1, 1935, such sums as annually may be necessary.

The amendment was agreed to.

The next amendment was, on page 16, after line 2, to strike out:

SEC. 10. Effective July 1, 1935, all sums received from fines and forfeitures imposed by naval courts martial shall be covered into the Treasury as miscellaneous receipts, and, commencing with the fiscal year 1936, there are authorized to be appropriated from the general fund of the Treasury annually such sums as may be necessary to meet the character of expenses which, prior to July 1, 1935, were chargeable to the account entitled "Navy Fines and Forfeitures (7S984)." Any unobligated balance in such account,

as of July 1, 1935, shall be covered into the surplus fund of the Treasury.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, there is an inconsistency between the amendment offered by the committee on page 17 and the text itself. In order to take the matter to conference, I move that section 12, page 17, line 1, be stricken out.

The motion was agreed to.

The next amendment was, on page 18, line 11, after the word "from", to strike out "assessments authorized to be made against national banks to cover the cost of salaries and expenses of national-bank examiners, contingent expenses of the national currency, and for the salaries of Deputy Comptrollers of the Currency and other personnel in the office of the Comptroller of the Currency, and the amounts received from", so as to read:

SEC. 11. Effective July 1, 1935, the amounts received from assessments authorized to be made against the Federal home-loan banks for salaries and expenses of the Federal Home Loan Bank Board, and assessments on carriers under section 14 of the Emergency Railroad Transportation Act of June 16, 1933, shall be covered into the Treasury as miscellaneous receipts. Commencing with the fiscal year 1933 there are authorized to be appropriated annually, from the general fund of the Treasury, such sums as may be necessary to defray the cost of such activities.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to insert:

(4) Policemen and firemen's relief fund, District of Columbia (DCt614).

The amendment was agreed to.

The next amendment was, on page 21, line 21, after "Sec.", to strike out "19" and insert "17", and on page 22, line 12, after the name "Secretary of the Treasury", to strike out "shall submit with his" and insert "or the Commissioners of the District of Columbia, as the case may be, shall submit with their", so as to read:

SEC. 17. (a) Effective July 1, 1935, the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section, as well as appropriation accounts bearing similar titles on the books of the Government, are abolished, and any unobligated balances under such accounts as of June 30, 1935, shall be covered into the surplus fund of the Treasury. Any appropriations to which expenditures under such accounts have been chargeable theretofore are hereby repealed. On July 1, 1935, there shall be established on the books of the Government an account to be designated "Unclaimed moneys of individuals whose whereabouts are unknown", and there are authorized to be appropriated such sums as may be necessary to meet any expenditures of the character now chargeable to the appropriation accounts abolished by this section. The Secretary of the Treasury or the Commissioners of the District of Columbia, as the case may be, shall submit with their annual estimates of appropriations an amount necessary to meet expenditures properly chargeable to this account.

The amendment was agreed to.

The next amendment was, on page 24, after line 6, to insert:

(21) Rosa Goldman—cash bail exacted (6T472).

The amendment was agreed to.

The next amendment was, on page 24, after line 7, to insert:

(22) Unclaimed funds of Jei Bei Ota, deceased Japanese alien (6T473).

The amendment was agreed to.

The next amendment was, on page 24, line 10, after "Sec.", to strike out "20" and insert "18"; and in line 18, after the word "On", to strike out "such latter date" and insert "July 1, 1935", so as to read:

SEC. 18. (a) Effective July 1, 1935, the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section, as well as appropriation accounts bearing similar titles on the books of the Government, are abolished, and any unobligated balances under such accounts as of June 30, 1935, shall be covered into the surplus fund of the Treasury. Any appropriations, to which expenditures under such accounts have been chargeable theretofore, are repealed. On July 1, 1935, there shall be established on the books of the Government an account to be designated "Refund of moneys erroneously received and covered", and there is authorized to be appropriated such sums as may be necessary to meet any expenditures of the character now chargeable to the appropriation accounts herein abolished and other collections erroneously received and covered which are not properly chargeable to any other appropriation. The Secretary of the Treasury shall submit with his annual estimates of appropriations an amount necessary to meet expenditures properly chargeable to this account.

The amendment was agreed to.

The next amendment was, on page 26, line 19, after "Sec.", to strike out "21" and insert "19"; and in line 25, after the word "to", to strike out "approximately" and insert "appropriately", so as to read:

SEC. 19. Effective July 1, 1935, moneys received as: Patent Office fees; unearned moneys, lands (Interior Department); reentry permit fees (Labor Department); naturalization fees (Labor Department); and registry fees (Labor Department); and held in the official checking accounts of disbursing officers, shall be deposited in the Treasury of the United States to appropriately designated trust-fund accounts and shall be available for refunds and for transfer of the earned portions thereof into appropriate receipt-fund titles on the books of the Government.

The amendment was agreed to.

The next amendment was, on page 27, line 12, after "Sec.", to strike out "22" and insert "20", and in line 17, after the word "moneys", to insert a comma and "except moneys received by the Comptroller of the Currency or the Federal Deposit Insurance Corporation", so as to read:

SEC. 20. (a) The funds appearing on the books of the Government and listed in subsection (b) of this section shall be classified on the books of the Treasury as trust funds. All moneys accruing to these funds are hereby appropriated, and shall be disbursed in compliance with the terms of the trust. Hereafter moneys, except moneys received by the Comptroller of the Currency or the Federal Deposit Insurance Corporation, received by the Government as trustee analogous to the funds named in subsection (b) of this section shall likewise be deposited into the Treasury as trust funds with appropriate title, and all amounts credited to such trust-fund accounts are hereby appropriated and shall be disbursed in compliance with the terms of the trust.

The amendment was agreed to.

The next amendment was, on page 28, line 1, after the word "trust", to strike out "funds" and insert "fund"; in line 2, after "(8T184)", to strike out "and "Policemen and Firemen's Relief Fund, District of Columbia" (DCt614)", so as to make the proviso read:

Provided, That, effective July 1, 1935, expenditures from the trust fund "Soldiers' Home, Permanent Fund" (8T184) shall be made only in pursuance of appropriations annually made by Congress, and such appropriations are hereby authorized.

The amendment was agreed to.

The next amendment was, on page 28, line 11, after the word "be", to strike out "covered into the surplus fund of the Treasury such portion of the" and insert "transferred such portion of the"; in line 14, after the word "established" and the comma, to insert "except those balances pertaining to the several "retirement funds" authorized to be established on the books of the Government,"; in line 20, after the word "the", to strike out "appropriation" and insert "trust fund"; and in line 22, after the word "section", to strike out "19" and insert "17", so as to make the further proviso read:

Provided further, That on June 30 of each year there shall be transferred such portion of the balances in any trust-fund account hereinbefore or hereafter listed or established, except those balances pertaining to the several "retirement funds" authorized to be established on the books of the Government, which have been in any such fund for more than 1 year and represent moneys belonging to individuals whose whereabouts are unknown, and subsequent claims therefor shall be disbursed under the trust fund account "Unclaimed money of individuals whose whereabouts are unknown", authorized to be established in section 17 of this act.

The amendment was agreed to.

The next amendment was, on page 29, after line 19, to strike out:

(13) United States Government life-insurance fund, Veterans' Administration (0t875).

The amendment was agreed to.

The next amendment was, on page 31, after line 14, to strike out:

(38) Estates of deceased soldiers, United States Army (8t189).

The amendment was agreed to.

The next amendment was, on page 33, after line 9, to strike out:

(60) Teachers' retirement fund deductions (DCt624).

The amendment was agreed to.

The next amendment was, on page 33, after line 13, to strike out:

(63) Policemen and firemen's relief fund, District of Columbia (DCt614).

The amendment was agreed to.

The next amendment was, on page 34, after line 13, to strike out:

(77) Expenses of Smithsonian Institution, trust fund (principal) (0t596).

The amendment was agreed to.

The next amendment was, on page 34, after line 15, to strike out:

(78) Civil Service retirement and disability fund (0t843).

The amendment was agreed to.

The next amendment was, on page 34, after line 17, to strike out:

(79) Canal Zone retirement and disability fund (0t850).

The amendment was agreed to.

The next amendment was, on page 34, after line 19, to strike out:

(80) Foreign Service retirement and disability fund (1t560).

The amendment was agreed to.

The next amendment was, on page 35, after line 8, to strike out:

(87) Teachers' retirement fund, deductions, District of Columbia (DCt624).

The amendment was agreed to.

The next amendment was, on page 35, after line 10, to strike out:

(88) Teachers' retirement fund, Government reserves, District of Columbia (DCt627).

The amendment was agreed to.

The next amendment was, on page 35, after line 14, to insert:

(80) Additional income tax on railroads in Alaska (2s442).

The amendment was agreed to.

The next amendment was, on page 35, after line 16, to insert:

(81) Yuma auxiliary irrigation project, Arizona (4s507).

The amendment was agreed to.

The next amendment was, on page 35, after line 18, to insert:

(82) Wagon roads, bridges, and trails, Alaska fund (4s524).

The amendment was agreed to.

The next amendment was, on page 35, after line 20, to insert:

(83) Public schools, Alaska fund (4s366).

The amendment was agreed to.

The next amendment was, on page 35, after line 21, to insert:

(84) Annette Islands reserve, Alaska, fund from leases (5s740).

The amendment was agreed to.

The next amendment was, on page 35, after line 23, to insert:

(85) Naval hospital fund (7s815).

The amendment was agreed to.

The next amendment was, on page 35, after line 24, to insert:

(86) Navy fines and forfeitures (7s984).

The amendment was agreed to.

The next amendment was, at the top of page 36, to insert:

(87) Redistribution, funds for indigent, Alaska fund (2s109).

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert:

(88) Alaskan reindeer fund (4s365).

The amendment was agreed to.

The next amendment was, on page 36, after line 3, to strike out:

SEC. 23. Hereafter all checks drawn on the Treasurer of the United States shall be payable only until the close of the fiscal year next following the fiscal year in which such checks were issued, and the amounts of all such checks properly due and payable which have not been presented for payment within such period shall be deposited into the Treasury to the credit of a trust fund account entitled "Outstanding liabilities (fiscal year)", designated by fiscal years in which the checks were issued. The balances in the outstanding liabilities account now carried on the books of the Government, representing the amounts of unclaimed checks, shall be transferred to the account "Outstanding liabilities, 1934", and any balances remaining therein, or in any succeeding fiscal year account, unclaimed for 2 fiscal years after the deposit therein shall be covered into the surplus fund of the Treasury: *Provided*, That the balances to the credit of the outstanding liabilities account of any fiscal year which has not been covered into the surplus fund of the Treasury shall be available to pay claims on account of any check, the amount of which has been included in any balance so covered into the surplus fund.

The amendment was agreed to.

The next amendment was, on page 36, after line 24, to insert:

SEC. 21. Effective July 1, 1935, all undelivered checks, except those issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, drawn by any officer of the United States shall be payable only until the close of the fiscal year following the fiscal year in which such checks were issued, and the amounts of all such checks properly due and payable which have not been delivered and presented for payment within such period shall be deposited in the Treasury to the credit of a trust fund account entitled "Outstanding liabilities."

The amendment was agreed to.

The next amendment was, on page 37, after line 14, to strike out:

SEC. 25. All amounts received by the Government as liquidated damages and collections received as recoveries for erroneous and/or overpayments shall not be available for expenditure but shall be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 37, after line 24, to strike out:

SEC. 27. The Comptroller General of the United States shall cause a survey to be made of all inactive and permanent appropriations and/or funds on the books of the Government and also funds in the official custody of officers and employees of the United States, in which the Government is concerned, for which no accounting is rendered to the General Accounting Office; and he shall submit to the Congress annually, in a special report, his recommendations for such changes in existing law relating thereto as, in his judgment, may be in the public interest.

The amendment was agreed to.

The next amendment was, on page 38, after line 14, to insert the following additional section:

SEC. 26. In addition to the regular estimates the President is authorized to submit to the Congress, for the fiscal years 1936 and 1937, in the annual budget for any department, independent establishment, bureau, or office, estimates of appropriations in alternate form whenever in his judgment such action would result in greater economy and efficiency in the control and use of public funds.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, I ask to have printed in the RECORD in connection with the new section 26 a letter which I addressed to the Director of the Budget and his reply thereto.

The VICE PRESIDENT. Is there objection?

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

MAY 21, 1934.

Hon. LEWIS W. DOUGLAS,
Director of the Budget, Washington, D.C.

DEAR LEW: The act of June 22, 1906 (34 Stat. 448), provides that the estimates for expenses of the Government shall be prepared and submitted each year according to the order and arrangement of the appropriations acts for the year preceding.

In order that there may be authority to effect economies and establish better budgetary control of estimates by the arrangement of appropriations, I have introduced the enclosed amendment to the bill H.R. 9410, known as the "Permanent Appropriations Repeal Act, 1934", to authorize, in addition to the regular estimates, the submission to Congress for legislative consideration of alternate estimates of appropriations in such form and arrangement as may be deemed proper by the President.

I am sure that it is your desire that the Budget estimates as submitted shall contain complete information for the benefit of the Committees on Appropriation of the House and Senate. I am also sure that you are as much opposed as I am to lump-sum appropriations which may be juggled about and diverted to other than the uses that Congress intended. However, if you believe that a provision along the lines indicated in my amendment would be advantageous, I shall be glad to urge that such provision be attached to H.R. 9410, which is now under consideration by the Senate Committee on Appropriations. Your views on the proposed amendment will therefore be greatly appreciated.

With best wishes, I am,

Yours very sincerely,

CARL HAYDEN.

BUDGET BUREAU,
May 22, 1934.

Hon. CARL HAYDEN,
United States Senate, Washington, D.C.

DEAR CARL: I have read with interest your letter of May 21, with which you enclosed a copy of the amendment you intend to propose to bill H.R. 9410.

I am in full agreement with the intention of this proposed amendment, but believe that you will readily appreciate the desirability of slightly amending the wording thereof so as to free it from any possible construction of requiring the preparation of alternate forms of estimates of appropriations. The preparation of alternate forms of the estimates is something which must be approached gradually, and I think that it would be better if the language of the proposed amendment were slightly changed so as to avoid conveying any other thought.

I am returning herewith the copy of the proposed amendment which accompanied your letter, and have indicated thereon the changes which I suggest be made.

Very truly yours,

L. W. DOUGLAS, *Director.*

Mr. HAYDEN. Mr. President, I offer an amendment, on page 11, to strike out line 3, and to insert the same on page 30, after line 3. It is a transfer of an item from one part of the bill to another.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 11, to strike out line 3, as follows:

(4) Relief of the indigent, Alaska fund (2s108).

And to insert the same on page 36, after line 3.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, I offer the following committee amendment.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 27, lines 7 and 8, to strike out the words "and donations", so as to read:

SEC. 19. Effective July 1, 1935, moneys received as: Patent Office fees; unearned moneys, lands (Interior Department); reentry permit fees (Labor Department); naturalization fees (Labor Department); and registry fees (Labor Department); and held in the official checking accounts of disbursing officers, shall be deposited in the Treasury of the United States to appropriately designated trust-fund accounts and shall be available for refunds, and for transfer of the earned portions thereof into appropriate receipt fund titles on the books of the Government: *Provided*, That any other unearned moneys carried in official checking accounts of disbursing officers or other accountable officers (including clerks and marshals of United States district courts), including quasi-public moneys administered by officers of the United States by virtue of their official capacity, shall be deposited similarly into the Treasury as trust funds and are hereby made available for disbursement under the terms of the trust.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, I offer another committee amendment.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 27, line 21, after the word "section", to insert the words "and not otherwise herein provided for", so as to read:

SEC. 20. (a) The funds appearing on the books of the Government and listed in subsection (b) of this section shall be classified on the books of the Treasury as trust funds. All moneys accruing to these funds are hereby appropriated, and shall be disbursed in compliance with the terms of the trust. Hereafter moneys, except moneys received by the Comptroller of the Currency or the Federal Deposit Insurance Corporation, received by the Government as trustee analogous to the funds named in subsection (b) of this section and not otherwise herein provided for shall likewise be deposited into the Treasury as trust funds with appropriate title, and all amounts credited to such trust-fund accounts are hereby appropriated and shall be disbursed in compliance with the terms of the trust:

The amendment was agreed to.

Mr. LOGAN. Mr. President, I send an amendment to the desk, which I desire to offer.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 4, to strike out lines 9 and 10, as follows:

(b) (1) To promote the education of the blind (interest) (2x093).

And to insert the matter stricken out on page 36, after line 3.

The amendment was agreed to.

The VICE PRESIDENT. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 2347) to amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 9178. An act to regulate the business of life insurance in the District of Columbia; and

H.J.Res. 322. Joint resolution to provide for the disposal of smuggled merchandise, to authorize the Secretary of the Treasury to require imported articles to be marked in order that smuggled merchandise may be identified, and for other purposes.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred as indicated below:

H.R. 9178. An act to regulate the business of life insurance in the District of Columbia; to the Committee on the District of Columbia.

H.J.Res. 322. Joint resolution to provide for the disposal of smuggled merchandise, to authorize the Secretary of the Treasury to require imported articles to be marked in order that smuggled merchandise may be identified, and for other purposes; to the Committee on Finance.

IN AID OF INDIANS

Mr. WHEELER. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 3645) to conserve and develop Indian lands and resources, to establish a credit system for Indians, to provide for higher education for Indians, to extend toward Indians the right to form business and other organizations, and for other purposes.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. WHEELER obtained the floor.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. WHEELER. I yield.

Mr. McNARY. Is this bill of general application to Indians throughout the country?

Mr. WHEELER. It is.

Mr. McNARY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bailey	Black	Bulkley
Ashurst	Bankhead	Bone	Bulow
Austin	Barbour	Borah	Byrd
Bachman	Barkley	Brown	Byrnes

Capper	George	Lonergan	Russell
Caraway	Gibson	Long	Schall
Carey	Glass	McCarran	Sheppard
Clark	Goldsborough	McGill	Shipstead
Connally	Gore	McKellar	Smith
Coolidge	Hale	McNary	Steiwer
Copeland	Harrison	Metcalf	Stephens
Costigan	Hastings	Murphy	Thomas, Okla.
Couzens	Hatch	Neely	Thomas, Utah
Cutting	Hatfield	Norbeck	Thompson
Davis	Hayden	Norris	Townsend
Dickinson	Hebert	Nye	Tydings
Dill	Johnson	O'Mahoney	Wagner
Duffy	Kean	Overton	Walcott
Erickson	King	Patterson	Walsh
Fess	La Follette	Pittman	Wheeler
Fletcher	Lewis	Robinson, Ark.	White
Frazier	Logan	Robinson, Ind.	

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Eighty-seven Senators having answered to their names, a quorum is present.

Mr. WHEELER. Mr. President, the purpose of this bill is stated briefly in the report submitted by the Committee on Indian Affairs. This bill has the approval of the Bureau of Indian Affairs, of the Interior Department, and also has the approval of the Bureau of the Budget. The President himself has sent a letter stating that he desires to have the bill passed.

The purposes of the bill are as follows:

First, to stop the alienation, through action by the Government or the Indian, of such lands, belonging to ward Indians, as are needed for the present and future support of the Indians.

With respect to that, I will say that heretofore there has been pursued a policy whereby the Indians would get patents and fees to the lands, which would then be disposed of, and the Indians would find themselves without land and pauperized.

The second purpose is to provide for the acquisition, through purchase, of land for Indians now landless who are anxious and fitted to make a living on such land. The Committee on Indian Affairs and the Bureau of Indian Affairs have found that there are many Indians who have no lands whatsoever, and are unable to make a living. Consequently, the Government is constantly compelled to furnish money to these Indians; and it is thought by the Government that it would be much cheaper in the long run and would make better citizens of them if we could put them on small tracts of land where they could make their own living.

The third purpose of the bill is to stabilize the tribal organization of Indian tribes by vesting such tribal organizations with real, though limited, authority, and by prescribing conditions which must be met by such tribal organizations.

This provision will apply only if a majority of the Indians on any Indian reservation desire this sort of organization. As a matter of fact, however, it does not change to any great extent the present tribal organization, except that when a majority of the Indians want to establish this tribal organization and extend the provisions of the bill to it, they may do so.

The bill also provides that Indian tribes may equip themselves with the devices of modern business organization through forming themselves into business corporations. On some of the reservations the Indians are conducting fishing businesses, and on others they are conducting timber businesses. On other reservations they are conducting some other businesses. The bill provides that when a majority of the Indians on a reservation desire to form a corporation for the transaction of their business, they may do so in the manner prescribed in the bill.

The next provision is for the purpose of establishing a system of financial credit for Indians; that is, a revolving fund whereby the Government may loan to individual Indians in certain cases, and to the tribal organizations or the Indian corporations, certain money in the event that the Secretary of the Interior thinks they are worthy of such loans.

Then there is a provision to supply Indians with means for collegiate and technical training in the best schools. On many of the Indian reservations there are exceedingly bright, capable Indians who, as wards of the Government, are unable to get a higher education at the present time. There is no provision in the Interior Department by which the Department can make loans or provide funds to the Indians for such education.

The bill also has a provision to open the way for qualified Indians to hold positions in the Federal Indian Service on the Indian reservations. At the present time, by reason of the civil-service rules and regulations, we find that competent Indians are absolutely unable to take or hold positions in the Indian Service. For instance, we find many instances where Indian girls have graduated from a nursing school, are graduate nurses, but are unable to be employed in the Indian Service because of the fact that they have not had sufficient training outside, and they are unable to get the training because of the fact that most white training institutions would not give the Indian girls an opportunity to act as nurses in those institutions.

Likewise with regard to their timber, the rules and regulations of the Bureau of Indian Affairs and the civil service have been such that it has been necessary to employ white men to do the Indian work when there were Indians who were thoroughly competent to carry on their own business.

As an illustration of that let me call attention to the fact that the Indians on the Klamath Reservation, as well as on the White River Reservation and other reservations, have grown up in the timber business; and notwithstanding the fact that they knew the timber business probably as well as any white man, yet because of the fact that they have had no college education they were not permitted to be employed even as scalers of their own timber. The result has been that the Indians have been given no opportunity to handle their own affairs or to be trained in their own affairs. This bill, we think, gives them the opportunity to which they are entitled.

My observation has been that while the Government has been seeking to train the Indians of the United States, as a matter of fact most of them are in a much more deplorable condition economically than they ever have been in their lives. In many instances they have lost their land. They have not been given an opportunity to work their own timber or to use their own resources. We have pauperized them, and in many cases taken them to schools where we have given them an education which did not fit them for the work upon the reservation.

There is nothing in the bill as presented to the Senate which in any wise gives the Department of the Interior the right to impose its will upon the Indians on any reservation. If a majority of the Indians wish to have a corporation for the conduct of their own affairs, they may do so. If they want to establish tribal councils for the purpose of conducting their own affairs, they may do so. The bill originally presented by the Department of the Interior contained some provisions which were compulsory in character. The Committee on Indian Affairs eliminated all those compulsory provisions and eliminated from the bill as originally presented the right of the Indians to make laws upon the reservations.

As the bill now stands before the Senate the committee have given it long and careful consideration, and we feel that its enactment will be of great benefit to the Indians and in the long run will be much less costly than the present system to the Government of the United States. I feel that what we ought to be working for with reference to the Indians is eventually to abolish entirely the Indian Bureau, through which and on which we are spending millions of dollars. This bill is a step in that direction by seeking to impose upon the Indians self-government in their own affairs. I hope that the bill will pass.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WHEELER. I yield.

Mr. KING. In the light of the last statement made by the able Senator from Montana, may I inquire if his appraisal of the bill meets the statements which have been made to me and which I am about to mention? I have been told that this bill may perpetuate the Indian Bureau, and that the Indian Bureau has been very anxious for a measure of this character, fearing that the life of that organization might be ended in the near future should the Indians take upon themselves the responsibilities of citizenship, much as they have taken upon themselves those responsibilities in the State of Oklahoma. I am told further that in the State of Oklahoma the Indians and those representing the Indians have declined to come under the terms of the bill because they feel that it superimposes upon the Indians for an indefinite period the harsh bureaucratic system of government under which the Indians for a century or more have been controlled.

Mr. WHEELER. Let me say to the Senator there is not a provision in this bill which superimposes upon the Indians bureaucratic control from Washington. On the contrary, this bill proposes to give the Indians an opportunity to take over the control of their own resources and fit them as American citizens. The bill as it originally came from the Department had many objectionable features, which were eliminated from it. Many of the Indians throughout the country were opposed to the original bill, and the committee was opposed to it, and amended it, so, as it is now framed, the Indian Bureau cannot impose its will upon the Indians in any case; but the vote of a majority of the Indians is required. If the Indians form a corporation or otherwise come within the provisions of this bill, if they want to change that status, they may do so.

Mr. DILL. Mr. President, will the Senator yield?

Mr. WHEELER. Yes.

Mr. DILL. I have not had time carefully to study the bill, but I have had a great many complaints about it from Indians in my State.

Mr. WHEELER. Let me say to the Senator from Washington, because I have had similar complaints, that the complaints were against the bill as originally introduced and not against the bill which is now presented.

Mr. DILL. I notice in section 10 that on petition of one-fourth of the adult Indians the Secretary of Interior may issue a charter of incorporation to a tribe.

Mr. WHEELER. The provision reads:

> The Secretary of the Interior may, upon petition by at least one-fourth of the adult Indians, issue a charter of incorporation to such tribe: *Provided*, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation.

In other words, upon the petition of one-fourth of the Indians, the Secretary of the Interior shall offer a charter, which will have to be ratified by a majority of the Indians of the reservation.

Mr. DILL. I have very strong representations from one of the tribes in my State, namely, the Yakimas, who have a large amount of property, asking that I interpose an amendment providing that they shall be exempted from the provisions of this bill.

Mr. WHEELER. Mr. President, I hope the Senator will not press such an amendment, for the reason that unless a majority of the Indians on the Yakima Reservation want the provisions of this bill, then there is nothing in the world that can bring them within its provisions. As the bill originally came to the committee the Department could compel the Indians, whether or not they wanted to do so, to come within many of its provisions. That was eliminated by the committee. I will say further to the Senator that probably all the objections which were raised by the Indians on the Yakima Reservation and by Indians from other portions of the country with regard to the provisions of the bill have been eliminated.

Mr. COPELAND and Mr. McCARRAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield; and if so, to whom?

Mr. WHEELER. I yield first to the Senator from New York.

Mr. COPELAND. In connection with the matter the Senator was just discussing, he will recall that yesterday I presented to him a letter from the Six Nations. I inquire if the Senator has that letter?

Mr. WHEELER. I have.

Mr. COPELAND. I have in my hand a letter which I just received from the Commissioner of Indian Affairs in which he says that the Indians in my State—the Six Nations—are unacquainted with the provisions of the bill as the Senator from Montana has now presented it. The Commissioner states:

> They are still thinking of the bill as originally introduced, which has been entirely superseded by the bill which the Senate Indian Committee reported.

Mr. WHEELER. That is correct.

Mr. COPELAND. The Commissioner goes on to say:

> The actual bill—

That is, the bill as presented—

> would leave the New York tribes altogether undisturbed except in the following particulars:

May I refer to them?

Mr. WHEELER. Certainly.

Mr. COPELAND. The first one is:

> (1) If they wanted it, they could have access to the $10,000,000 revolving-loan fund, which the bill creates.

Is that correct?

Mr. WHEELER. That is correct.

Mr. COPELAND. The letter continues:

> (2) If they wanted it, they could have access to the $2,000,000 land-purchase fund, which the bill creates.

Mr. WHEELER. That is correct.

Mr. COPELAND. The next particular is:

> (3) If they wanted it, they could have access to the $250,000 a year for scholarships for the higher education of Indians, which the bill creates.

Mr. WHEELER. That is correct.

Mr. COPELAND. The fourth particular is:

> (4) If they wanted it, they could have access to the $250,000 a year for the expenses of tribal organizations, which the bill creates.

Mr. WHEELER. That is correct.

Mr. COPELAND. The fifth particular is:

> (5) If they wanted it, they could secure a Federal charter for their existing corporate organization as tribes.

But all these things, as I understand, are optional with the Indians?

Mr. WHEELER. They are entirely optional.

Mr. SHIPSTEAD. Is that true in the case of all tribes?

Mr. WHEELER. That is so in the case of all tribes.

Mr. COPELAND. The bill, in section 17, as I understand, expressly leaves unaffected any claim or suit by an Indian tribe against the United States?

Mr. WHEELER. That is correct.

Mr. COPELAND. Then the Commissioner tells me that the bill is of vital importance to the Indians outside of New York State. So, if I am correctly informed—and I ask that this letter may be inserted in the RECORD—so far as the Indians of New York State are concerned, they are unaffected by the bill if they choose not to be affected by it?

Mr. WHEELER. That is correct. That is not only true of the Indians of New York but it is true of the Indians on every reservation throughout the country.

Mr. COPELAND. And, conversely, of course, if they choose to take advantage of the provisions of the bill, they are at liberty to do so?

Mr. WHEELER. That is correct.

Mr. COPELAND. I thank the Senator.

The PRESIDING OFFICER. Without objection, the letter referred to by the Senator from New York will be printed in the RECORD.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D.C., June 12, 1934.

Hon. ROYAL S. COPELAND,
United States Senate.

DEAR SENATOR COPELAND: The Wheeler-Howard Indian bill, I understand, will be called up today. I have just conferred with spokesmen of the Six Nations of New York, and find them opposed to the bill, but unacquainted with its provisions. They are still thinking of the bill as originally introduced, which has been entirely superseded by the bill which the Senate Indian Committee reported.

The actual bill would leave the New York tribes altogether undisturbed except in the following particulars:

(1) If they wanted it, they could have access to the $10,000,000 revolving-loan fund, which the bill creates.

(2) If they wanted it, they could have access to the $2,000,000 land-purchase fund, which the bill creates.

(3) If they wanted it, they could have access to the $250,000 a year for scholarships for the higher education of Indians, which the bill creates.

(4) If they wanted it, they could have access to the $250,000 a year for the expenses of tribal organizations, which the bill creates.

(5) If they wanted it, they could secure a Federal charter for their existing corporate organization as tribes.

All of the above will be optional with them.

The bill in section 17 expressly leaves unaffected any claim or suit, by any tribe, against the United States.

The enormous importance of the bill is for those Indians, not in New York State, who have been rendered landless by the allotment system. They number 150,000 and are victims of a stubborn error on the part of Congress and the administration. They, if the bill be passed, can be put back on land of their own and capitalized for the development of their own land and supplied with educational advantages.

Sincerely yours,

JOHN COLLIER, *Commissioner.*

Mr. McCARRAN. Mr. President, preliminary to the suggestion of an amendment to section 10, I should like to ask the Senator from Montana whether or not there are any safeguards or provisions in the bill whereby Federal agencies, such as we now know exist, may be limited in their control of the affairs of Indians? In other words, to be explicit, I have known instances where the Federal superintendent or the Federal agent has had absolute control because he gave out the blankets, he gave out the food, and he gave out everything else, so that if one wanted to talk to the Indians of a particular reservation he had to go to the superintendent, and if he did not have the superintendent's permission, in all probability he would not have the favorable consideration of the Indians of that particular agency. I am wondering, because I know the Senator from Montana is as much interested in these matters as I am, if there are sufficient safeguards in the bill so that the Indian agents may not wield their powerful influence over the Indians of any particular tribe to compel them to yield to their will?

Mr. WHEELER. I will reply to the Senator. I appreciate that what he says has been true in the past. For many years the Indian agent located upon an Indian reservation was a czar. There was a time when he could keep a white man even from going upon a reservation or stepping his foot upon it. He could drive anybody off the reservation if he did not like the color of his hair, and so forth. That, however, has been eliminated, so that at the present time anybody can go upon any of the Indian reservations unless it happens to be a closed reservation, and I know of no such reservation at the present time.

This bill, however, seeks to get away from the bureaucratic control of the Indian Department, and it seeks further to give the Indians the control of their own affairs and of their own property; to put it in the hands either of an Indian council or in the hands of a corporation to be organized by the Indians. I, myself, think that this bill, as now presented, is the greatest step forward the Department has ever taken with reference to Indians. It is inconceivable to me that any Indian who is not influenced by some white man who does not want to have the privileges of this measure extended to the Indians or who is not influenced by the Indian bureaucracy should be opposed to this bill. I say that because it has been found that in many instances the very people of whom the Senator is speaking were opposed to this bill for the reason that they felt their control over the Indians was going to be lost and that they might also lose their jobs because competent Indians would be put in their places.

Mr. McCARRAN. Then, I want to ask, if I do not unduly interrupt the Senator, and with his permission, with respect to section 10, from which I read as follows:

> The Secretary of the Interior may, upon the petition by at least one-fourth of the adult Indians, issue a charter of incorporation to such tribe.

I am wondering now, having in mind the percentages we have been using for various purposes for our own guidance, if that percentage should not be raised, and I respectfully suggest 51 percent.

Mr. WHEELER. Let me suggest that the Senator read further on in the section. The provision he has read simply means that when one-fourth of the Indians present to the Secretary of the Interior a petition asking for a charter, he will issue the charter, but it must be voted upon and approved by a majority of the Indians before it may become effective. We expressly put that provision in the bill. Then it is also provided that if the Indians want to rescind their action they can do so; I think it requires a two-thirds vote. That is provided in another section of the bill, so that the majority of the Indians on the reservation control the election in that respect; and as to other action which may be taken under this bill, it is exactly the same as the white people do in the various States.

Mr. THOMAS of Oklahoma. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WHEELER. I yield.

Mr. THOMAS of Oklahoma. Mr. President, I think that this is the fourth or fifth draft of this bill. To one of the earlier drafts I submitted an amendment, which was agreed to, but in a subsequent draft I think the entire section which embraced my amendment was eliminated.

My State is different from the other Indian States. There are in Oklahoma approximately 150,000 Indians. These Indians form about 36 distinct bands, and there are remnants or stragglers of some 20 bands attached to some of the other bands. We have in Oklahoma 52 separate and distinct tribes of Indians. Our Indian reservations have heretofore been allotted, and there are left in Oklahoma no great Indian reservations save the Osage Reservation, and that has been practically allotted as well.

Mr. President, section 5 of the bill provides for the appropriation of $2,000,000 a year for the purpose of acquiring additional lands for Indian reservations. I offered an amendment at one of the committee meetings to provide that the money should be used not only to buy lands for Indian reservations but that the money should be available to buy lands for individual Indians.

In my State we do not want any more Indian reservations. We have enough. Our Indians are already on reservations, so to speak, though they have been allotted. Some of our Indians have lost their lands, it is true.

So far as I am concerned, I want the bill amended, if that be possible, so as to provide that the money shall be available not only to buy lands for additions to Indian reservations but to buy lands for individual Indians. There is no chance to place them on reservations. They are living along the creeks in tepees and in tents. I want the money available to buy lands not only in my State for individual Indians but in other States where Indian lands have been allotted.

Mr. WHEELER. There is no question that the bill does provide for the purchase of lands for individual Indians.

Mr. THOMAS of Oklahoma. I have not found the language sufficiently broad for that purpose.

Mr. WHEELER. Let me invite the attention of the Senator to the language of section 5, as follows:

> The Secretary of the Interior is hereby authorized, in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or

surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians.

It is not for Indian tribes, but for both tribes and individual Indians.

Mr. THOMAS of Oklahoma. Then, to make that sufficiently clear, I suggest, on page 4, line 1, after the word "tribe", that there be inserted the words "or individual Indians." That is exactly as the Senator from Montana understands and as I understand, and I think the amendment will conform to the understanding we had in the committee.

Mr. WHEELER. That is correct.

The PRESIDING OFFICER. The amendment offered by the Senator from Oklahoma will be stated.

The CHIEF CLERK. On page 4, line 1, after the word "tribe", it is proposed to insert "or individual Indians," so as to make the sentence read:

Title to any lands or rights acquired pursuant to this act shall be taken in the name of the United States in trust for the Indian tribes or individual Indians for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, in section 15 I have sought to exclude the Indians of my State from the operation of some sections of the bill. The bill proposes to extend the restrictions to all Indians forever. That would mean that many millions of acres of land in my State would never become taxable.

At this time, without conferring with the Indians of Oklahoma, I am unwilling to agree that they shall come under the provision, so I have exempted them. During the coming summer, if the bill shall pass now, I will confer with the several tribes in my State. If those Indian tribes desire to come under the provision, then I may come back at the next session and move to amend the section by striking from it such tribes as want to be eliminated. I make that statement in fairness to the Indians of my State. Otherwise I have no objection.

Mr. McCARRAN. Mr. President, I wish to concur in the statement of the learned Senator from Oklahoma [Mr. THOMAS] and to state, as regards the Indians of the State of Nevada, that I may join with him at a later time to have them eliminated from the provisions of the bill, if they so desire.

With the permission of the Senator from Montana [Mr. WHEELER] I wish to make a suggestion with reference to section 10. I desire to offer an amendment, on page 6, line 6, to strike out the words "one-fourth", and to insert in lieu thereof "one-third." In other words, I have in mind that it should be 51 percent who shall apply, but I think as a fair compromise between the two one-third would be fair.

Mr. WHEELER. Mr. President, I will say to the Senator that it is only upon request of one-fourth that a charter may be issued, and they do not do the voting. I have no objection to fixing it at one-third, but I think it will complicate the situation rather than help it. If one-fourth of the Indians petition the Government and say "We should like to have this done", then one-half of the entire number of adult Indians have to vote on it before it may be done; and it would seem to me that is all that should be necessary.

Mr. McCARRAN. I want to explain to the Senator why I propose to increase the percentage. I think he has in mind the very thing I have in mind, of which I have personal and intimate knowledge. In other words, we might control one-fourth of the Indians and have them in the hollow of our hand if we were agents or superintendents, whereas if we raised the percentage a little bit perchance we would have an element of independence involved which no agent could control.

Mr. WHEELER. I have no particular objection to the proposal of the Senator from Nevada.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 6, line 6, it is proposed to strike out "one-fourth" and insert "one-third", so as to make the sentence read:

The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe.

The amendment was agreed to.

Mr. KING. Mr. President, for a number of years, as Senators may recall, I have been endeavoring to secure legislation which would protect and preserve the Indians and prevent the dissipating of their property. Upon many occasions I have called attention to the fact that though the number of Indians was diminishing the costs of operating the Indian Bureau were constantly increasing. I presented incontrovertible evidence to the Government that the policies of the Government in dealing with the Indians were unjust and if persisted in would rob them of their property, if it did not lead to their extinction. I called attention to investigations made by various committees of Congress, which demonstrated that the treatment of the Indians could not be justified upon any rational, humane, or just grounds. Hundreds of millions of dollars' worth of property belonging to Indians have been taken from them either by treaties, in which the Indians were overreached, or by unwise, injudicious, and indefensible policies and procedure by representatives of the Government, including the Indian Bureau.

The record of our Government's dealings with the Indians is a dark and discreditable one. The Indians, I repeat, have been robbed of hundreds of millions of dollars' worth of property, real and personal. During the past few years funds which were under the control of the Indian Bureau and which belonged to the Indians have been drawn upon until now, I think, the aggregate is less than $25,000,000, and charges exist against the same which would completely absorb them.

I remember at the last session of Congress it was demonstrated that more than 51 percent of the very large appropriations made by Congress for the support and benefit of the Indians were absorbed in meeting the salaries of a vast army of Federal employees. My recollection is there was 1 employee to every 25 Indians, and on some of the reservations the employees constituted one-eighth of the Indians. The Indians have been plundered by the Government and have been the victims of unjust treatment by the whites. The Indian Bureau has been incompetent, oppressive, and too indifferent to the needs of the Indians. Protests against the unjust and harsh treatment of the Indians have been unheeded, and as the years have gone by the lot of the Indians, speaking in a general way, has become more unbearable.

I visited a number of reservations, Mr. President, and have examined the reports of investigations made, and I have no hesitancy in saying that the treatment accorded the Indians cannot be squared with any rational, humane, or moral conduct.

The civil service as applied to the Indians has built up an inefficient and incompetent bureaucracy, under which the progress of the Indians has been interfered with and the individual, economic, and moral development has been impeded.

I was dissatisfied with the conduct of the Indian administration under the preceding administrations, and believed that a drastic change was required in dealing with the Indians. I supported Mr. Collier in his candidacy for the position of Commissioner of Indian Affairs because I believed that he would effectuate reforms and reorganize the Indian Bureau and inaugurate policies that would save the Indians and protect their rights. I believed that he would bring to the consideration of this important question a point of view not possessed by some of his predecessors, and that he would seek in a more humane and rational way to elevate the Indians, to preserve their rights, and to qualify them for citizenship in the United States.

I am not satisfied that this measure reaches all that I had in view. I am not satisfied that it will not perpetuate this bureaucratic system which has been so harmful to the In-

dians. I am rather afraid that this system will perpetuate for an indefinite period an expensive and oppressive bureaucratic organization which in its operation will lead to enervate rather than elevate the Indians. I know that is not the purpose of Mr. Collier. I know that he is anxious for the welfare of the Indians, for their protection and for their education, so that they may be ready to take a man's part in the various States in which they live, and become respected citizens of the United States, ready to participate in all the activities of progressive and patriotic citizens; but I cannot help but believe, from a cursory examination of the bill, that it will continue too much, and to too large a degree, the bureaucratic system, and will not allow a sufficient flexibility upon the part of the Indians for their development, individually and communally.

At any rate, I believe that any change from the past system should be welcomed. A system that called for the expenditure of more than 50 percent of the millions of dollars appropriated to pay the salaries of a great army of Federal employees cannot be defended.

I shall watch the operations of this bill, if enacted into law, and if at the next session of Congress it shall be disclosed that this bureaucratic organization is continued, that part of the appropriation which we make has been largely absorbed in the payment of salaries and bureau administration, I shall not hesitate to condemn the administration, because I insist that the appropriations which we make shall inure to the advantage of the Indians and not to the payment of an army of Federal employees.

I hope that a new deal shall come to the Indians; that the Indian Bureau will be reformed and rational and sound policies put into operation. The heavy hand of an incompetent and inefficient bureaucracy has cursed our Government, and the Indian has been caught within its powerful sweep.

I am compelled to leave the Chamber to meet an important engagement, and cannot examine the measure before us as I should like. I can only hope that if this bill passes it will be the harbinger of a brighter day to the wards of this great Nation.

Mr. SHIPSTEAD. Mr. President, I believe if this bill passes the Senate and the House it will be an epoch-making event in the history of Indian legislation.

The history of the Indian is one of tragedy and of shame so far as the white man is concerned. I shall not go into the history of that tragedy, but I hope it is coming to an end. The noble character of the original American has not been appreciated by the white race.

I desire to express my personal appreciation and gratitude to the Senator from Montana [Mr. WHEELER] and the Senator from North Dakota [Mr. FRAZIER] for the time and effort they have spent in studying Indian affairs and preparing this bill, with the assistance of the liberal-minded, the humanitarian Commissioner of Indian Affairs, Mr. Collier. I hope that under the administration of this bill, if and when it shall be passed, we may make some restitution for the injury and injustice we have done to the noble people who were the original Americans.

I trust the bill will pass.

Mr. FRAZIER. Mr. President, referring to the amendment of the Senator from Nevada [Mr. MCCARRAN], I call his attention to the provision which requires the vote of 51 percent of the adult Indians living on the reservation—not 51 percent of those who vote upon the subject, but 51 percent of the adult Indians living on the reservation.

I believe that is sufficient to guarantee that a great majority of the Indians are going to favor this proposition before they will adopt it; and it seems to me to require one-third of the adult Indians on the reservation to sign the petition would perhaps make it rather hard for them to get a vote upon the articles of incorporation. I believe one-fourth of the total number of adult Indians on the reservation is sufficient.

In the recall petitions or initiative petitions that the various States have, I do not think there is a single State which has a requirement that as many as one-fourth of the citizens shall sign a petition before they can inaugurate a recall or initiate a measure or have a referendum on a piece of legislation. I believe one-fourth is quite large enough; and I think the Indians are very well protected under the provisions of this paragraph.

It seems to me one-fourth would be much more desirable than one-third, under the circumstances.

Mr. MCCARRAN. Mr. President, just a word.

My policy and my position are not to defeat something that will be for the benefit of the future of the Indians. My policy, however, and my attitude, are to safeguard every step that may be taken, to the end that nothing shall be eventually accomplished that will destroy their development or their contentment. It was with that in mind that I offered the suggestion and the amendment providing for one-third.

We would not have a body corporate formed in our private affairs of life excepting by a substantial group. It seems to me that we are dealing here with the lowly and the humble, and, if I may use a rather harsh expression, perchance the ignorant, although we have tried to raise them to a position of literacy; but we are dealing, nevertheless, with the ignorant and those dependent upon them. Why should not that percentage be raised to an extent that would be at least representative of a fair cross section of the element with which we are dealing? It seems to me fair, and not an excessive requirement.

My first thought was to require 51 percent, and then I reduced it to one-third. It seems to me that no harm can flow from that, and yet it will accomplish the desired result.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. MCCARRAN. I do.

Mr. FRAZIER. I wish to call the attention of the Senator again to the fact that the purpose of having one-fourth sign the petition is only to bring the matter to a vote.

Mr. MCCARRAN. I know that; but I have seen post traders in Indian reservations who could bring in one-fourth of the Indians of a particular tribe or reservation, because they owed the trader bills running over months and months, and he said, "I am going to cut off your credit unless you sign."

Mr. FRAZIER. That might apply even to 50 percent; but we hope this bill will remedy that situation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. MCCARRAN].

The amendment was agreed to.

Mr. ASHURST. Mr. President, I send to the desk an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to insert, at the proper place, a new section, to read as follows:

SEC. —. That the order of the Department of the Interior signed, dated, and approved by Hon. Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation.

Mr. WHEELER. Mr. President, I hope this amendment will not be adopted.

Let me say that this has been a matter of controversy with the Indian Bureau for some time. The amendment is one that should not be added to the bill. It is something that is practically foreign to it. It provides that the order of the Department of the Interior signed, dated, and approved by Hon. Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands

of the Papago Indian Reservation in Arizona from all forms of mineral entry, shall be revoked and rescinded.

This reservation was set aside for the Papago Indians, who, as I recall, were landless Indians, and the reservation was set aside by the Government. Some mining people went in and located mining claims upon these reservations, and a controversy grew up between the mining companies and the Interior Department; and the former Secretary of the Interior withdrew the lands and said that they should not be open to further mining operations. In my judgment it would very materially injure the reservation for the Indians, but, at any rate, the amendment should not be put on this bill, and I hope it will be rejected.

Mr. ASHURST. Mr. President, in my judgment, it is not necessary, at this time, for me to enter into any lengthy discussion of the history of the creation of the Papago Reservation. Hearings were held before the Senate Committee on Indian Affairs, which were printed and sent to all the Members of the Senate. Suffice to say that the question of the restoration to exploration and entry of the mineral lands within the Papago Indian Reservation in Arizona is an acute question, a question of principle, not particularly because the State of Arizona happens to be involved, but if the same question arose in any other State I would be found in the same attitude.

I take the ground that neither the Commissioner of Indian Affairs nor the Secretary of the Interior has any power to suspend the mining laws of the United States. Only an act of Congress can do that.

The Papago Indians are a worthy tribe of nomadic, wandering Indians who have never been at war with the United States. They inhabit, and have for years inhabited, the southwestern part of Arizona. They are in a small way stockmen. They catch birds and small mammals and live partly by limited agriculture. They take mesquite and other desert growth to towns and settlements.

They had no reservation, but roamed about, and the charitably disposed and humanitarian people of Arizona, although much opposed to the creation of Indian reservations because the withdrawal of public lands meant that that much more land was forever withdrawn from taxation; they nevertheless decided that it would be charitable, at least, to see to it that these Indians should have a reservation; that is to say, have the right to the surface, the usufruct of the land.

Whereupon an agreement was entered into between the Federal Government and the Governor of Arizona and the then Senators and Representative in Congress from Arizona. It was understood that the Indians were to be given a reservation, or, more strictly speaking, the right to have the use of the surface of something over 2,000,000 acres in southwestern Arizona.

It was distinctly understood and made a part of the agreement that the mining laws of the United States should not be suspended, and that the right of American citizens to prospect, to search and explore for minerals, and locate the same should be preserved intact. Whereupon, without now mentioning other orders which came afterward, and some that went before, but in no wise impairing the language, and always repeating the language I am going to read, the reservation was created upon this distinct, expressed, written agreement between the officials of Arizona and the Department of the Interior, as follows:

The foregoing reservation is hereby created with the understanding that—

I am now reading from the order creating the reservation—

The foregoing reservation is hereby created with the understanding that all mineral lands within the reservation which have been or which may be shown to be such and subject to exploration, location, and entry under the existing mining laws of the United States, and the rules and regulations of the Secretary of the Interior applying thereto, shall continue to be subject to such exploration, location, and entry, notwithstanding the creation of this reservation; and town sites, necessary in connection with the development of the mineral resources of the reservation, may be located within the reservation under such rules and regulations as the Secretary of the Interior may prescribe, and patented under the provisions of the town-site laws of the United States.

Mr. President, it was then absolutely within the power of the Arizona delegation in Congress to prevent the creation of this reservation. Indeed, every newspaper in the State of Arizona criticized the Arizona delegation then in Congress for consenting to the creation of any reservation. We had, indeed, no idea that there would ever come a Secretary of the Interior or a Commissioner of Indian Affairs who would violate the express, written agreement, the express terms upon which the reservation was created.

I ask Senators to take the pamphlet issued by the Indian Bureau, and they will find that in every order made concerning the Papago Indian Reservation this language was repeated. It is quite unusual, but it is clear, and at the risk of tediousness I repeat some of the phrases.

The foregoing—

Meaning the Papago Indian Reservation—

is hereby created with the understanding—

With whom? With the people of Arizona and with her officials—

that all mineral lands within the reservation—

Should be opened, as they had been from time immemorial, to location by prospectors and miners.

The reservation was created on February 1, 1917, and down through the years between 1917 and 1932 citizens now and then made some locations upon the lands of the so-called "Papago Indian Reservation"; and my able friend the Senator from Montana seemed to fear that large mining companies might acquire most of the claims. That is an erroneous impression the Senator has obtained, and I ask permission at this point to print in the RECORD a list of all the mining claims on the Papago Indian Reservation which have been patented, together with the names of the patentees and the area and when patented.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

List of approved mining claims in that portion of the Papago Indian Reservation, Ariz., embraced by Executive Order No. 2524, dated Feb. 1, 1917

[Compiled from the records in U.S. Public Survey Office at Phoenix, Ariz., on Oct. 31, 1932]

Patented claims	120
Unpatented claims	57
Total	177

No.	Name of claim	Mineral survey no.	Mining district	Section	Township	Range	Surveyed or unsurveyed	Serial no.	Date of patent
1	Sahuara	3369	Casa Grande	23	8 S	5 E	Surveyed		
2	Nugget	3369	do	23 and 24	do	do	do		
3	Nugget Fraction	3369	do	23	do	do	do		
4	Nugget Extension	3369	do	23	do	do	do		
5	Hornsilver	3369	do	23	do	do	do		
6	Hornsilver No. 1	3369	do	23	do	do	do		
7	Hornsilver No. 2	3369	do	23	do	do	do		
8	Lead Boulder	3369	do	23, 24, and 25	do	do	do		
9	Cholla	3369	do	23 and 26	do	do	do		
10	Santiago	3369	do	23 and 26	do	do	do		
11	Silver Nugget	3369	do	24	do	do	do		
12	Crown	1698	Silver Reef	24 and 25	do	do	do		Mar. 1, 1905
13	Esperanza	1698	do	24 and 25	do	do	do		Do.
14	St. Louis	1698	do	25	do	do	do		Do.
15	Chicago	1698	do	25	do	do	do		Do.

No.	Name of claim	Mineral survey no.	Mining district	Section	Township	Range	Surveyed or unsurveyed	Serial no.	Date of patent
16	Summit	1698	Silver Reef	25	8 S	5 E	Surveyed		Mar. 1, 1905
17	Cow Boy	1698	do	25	do	do	do		Do.
18	Mill Site	1698	do	25	do	do	do		Do.
19	Christmas Gift	640	Casa Grande	27	9 S	3 E	do		
20	Virginia	693	do	33 and 34	do	do	do		July 6, 1888
21	Reward	692	do	34	do	do	do		Feb. 2, 1888
22	Legal Tender	1353 Am.	do	36	do	4 E	do		
23	Turning Point	1353 Am.	do	36	do	do	do		
24	Golden Wonder	1353 Am.	do	36	do	do	do		
25	Jack Rabbit No. 1	2441	do	36 to 95.4 E 31 to 95.5 E	do	4 E 5 E	do		Jan. 11, 1911
26	Keystone	2441	do	30 and 31	do	5 E	do		Do.
27	Agwa	2441	do	30 and 31	do	do	do	08186	Jan. 5, 1911
28	Sahuarro	2441	do	31	do	do	do		Jan. 11, 1911
29	Silver Moon	3176	do	36 to 95.4 E 31 to 95.5 E	do	4 E 5 E	do	028204	Apr. 13, 1916
30	Golden Pea	3176	do	36 to 95.4 E 31 to 95.5 E	do	4 E 5 E	do	208204	Do.
31	Western Gold	2852	do	31	do	5 E	do		June 6, 1912
32	Golden Chariot	2852	do	31	do	do	do		Do.
33	Old Gold	2852	do	31	do	do	do		Do.
34	Southern Gold	2852	do	31	do	do	do		Do.
35	Copperosity	609	do	14	10 S	2 E	Unsurveyed		
36	Little Chief	610	do	14	do	do	do		
37	Welshman	611	do	14	do	do	do		
38	Copper Giant	612	do	14 and 15	do	do	do Surveyed		
39	Copperosity	3556	do	14	do	do	Unsurveyed	044577	July 6, 1921
40	Copperosity E	3556	do	14	do	do	do	044577	Do.
41	Copperosity No. 1	3556	do	14	do	do	do	044577	Do.
42	Copperosity No. 2	3556	do	14	do	do	do	044577	Do.
43	Copperosity No. 3	3556	do	14	do	do	do	044577	Do.
44	Copperosity No. 4	3556	do	14	do	do	do	044577	Do.
45	Copperosity No. 5	3556	do	14	do	do	do	044577	Do.
46	Copperosity Extension No. 5	3556	do	14	do	do	do	044577	Do.
47	Copperosity Extension No. 6	3556	do	14	do	do	do	044577	Do.
48	Copperosity Annex	3556	do	14	do	do	do	044577	Do.
49	Arizona	3051	do	25	do	4 E	4 E. surveyed	023260	Sept. 16, 1914
50	Copper Bell	3051	do	25 and 26	do	do	do	023260	Do.
51	Isabella	3052	do	36	do	do	do	023259	Do.
52	Prosperity	1488	do	31	do	5 E	Unsurveyed		Apr. 17, 1902
53	Assurance	1904	do	31 to 10 S. 5 E 5 to 11 S. 5 E	do 11 S	do	do		Nov. 26, 1906
54	Confidence	1489	do	5 to 11 S. 5 E	do	do	do		
55	Copperton	2586	Silver Bell	25	12 S	8 E	do	01492	Nov. 1, 1909
56	Indiana	2586	do	25	do	do	do	01492	Do.
57	Portland	2586	do	25	do	do	do	01492	Do.
58	Climax	2586	do	25 to 12 S. 8 E 30 to 12 S. 9 E	do	8 E 9 E	do Surveyed	01492	Do.
59	Three B's	2586	do	25 to 12 S. 8 E 30 to 12 S. 9 E	do	8 E 9 E	Unsurveyed Surveyed	01492	Do.
60	Kokomo	2586	do	25 to 12 S. 8 E 30 to 12 S. 9 E	do	8E 9 E	Unsurveyed Surveyed	01492	Jan. 21, 1911
61	Aetna	2586	do	25	do	8 E	Unsurveyed	01492	Nov. 1, 1909
62	Townsite	2586	do	25	do	do	do	01492	Do.
63	Souvenir	2586	do	25	do	do	do	01492	Do.
64	Homestake	2586	do	25	do	do	do	01492	Jan. 21, 1911
65	Paddy Woods	2697	do	25	do	do	do		Oct. 23, 1911
66	Poland	2586	do	25	do	do	do	01492	Nov. 1, 1909
67	Summit	2586	do	25 and 36	do	do	do	01492	Do.
68	Carbonate	2586	do	25 to 12 S. 8 E 30 to 12 S. 9 E	do	8 E 9 E	do Surveyed	01492	Jan. 21, 1911
69	Expansion	2586	do	25 and 36	do	8 E	Unsurveyed	01492	Nov. 1, 1909
70	Metallic Beauty	1390	Silver Bell	25 to 12 S. 8 E 30 and 31 to 12 S. 9 E	12 S	8 E 9 E	Unsurveyed Surveyed		
71	Metallic Copper	1390	do	25 and 36 to 12 S. 8 E 30 and 31 to 12 S. 9 E	do	8 E 9 E	Unsurveyed Surveyed		
72	Silver Hill	1390	do	36 to 12 S. 8 E 31 to 12 S. 9 E	do	8 E 9 E	Unsurveyed Surveyed		
73	Silver Hill West Extension	1390	do	36	do	8 E	Unsurveyed		
74	Dandey	4037	Brownell	36	13 S	2 E	do	061466	May 9, 1929
75	Native Copper No. 2	2612	Silver Bell	35 and 36	12 S	8 E	do		
76	Native Copper No. 1	2612	do	35 and 36	do	do	do		
77	Cuprite	2612	do	35 and 36 to 12 S. 58 E 1 and 2 to 13 S. 8 E	12 S 13 S	8 E	do Surveyed		
78	Copper Valley	2612	do	1 and 2	do	do	do		
79	Virginia	2612	do	36 to 12 S. 8 E 1 to 13 S. 8 E	12 S 13 S	do	Unsurveyed Surveyed		
80	All Right	2612	do	36 to 12 S. 8 E 1 to 13 S. 8 E	do do	do	Unsurveyed Surveyed		
81	Dale	2612	do	1	do	do	do		
82	Lime Butte No. 1	2612	do	35 to 12 S. 8 E 2 to 13 S. 8 E	12 S 13 S	do	Unsurveyed Surveyed		
83	Lime Butte No. 2	2612	do	35 to 12 S. 8 E 2 to 13 S. 8 E	12 S 13 S	do	Unsurveyed Surveyed		
84	Little Sulphide	2612	do	35 to 12S.8 E 2 to 13S.8 E	12 S 13 S	8 E	Unsurveyed Surveyed		
85	East Sulphide	2612	do	2	do	do	do		
86	Great Sulphide	2612	do	2	do	do	do		
87	Great Chalco	2612	do	2	do	do	do		
88	Little Chalco	2612	do	2	do	do	do		
89	Blue Carbonate	2612	do	2	do	do	do		
90	Green Carbonate	2612	do	2	do	do	do		
91	Silver Bullion	655	Quijotoa	23	14 S	2 E	Unsurveyed		Mar. 17, 1892
92	Silver Bullion mill site	656	do	23	do	do	do		
93	Wine Gold	3578	do	28	do	do	do	063051	Oct. 12, 1931
94	No. 1	621	do	35	15 S	do	do		Sept. 22, 1894
95	No. 2	622	do	35	do	do	do		Do.
96	No. 3	623	do	35	do	do	do		
97	No. 4	624	do	35	do	do	do		
98	No. 7	625	do	35	do	do	do		
99	Santa Tomas mill site	31	Cababi	36 to 15S.4 E 31 to 15S.5 E	do	4 E 5	do		July 19, 1883
100	Cokespa mill site	35	do	36	do	4 E	do		Apr. 15, 1882
101	Monarch	1179	do	36 to 14S.5½ E 1 to 15S.5½ E	14 S 15S	5½ E	do		Mar. 20, 1896
102	Hercules	1179	do	1	do	do	do		Do.
103	Minie Mine No. 1	4066	do	12	15S	5½ E	do		Do.

No.	Name of claim	Mineral survey no.	Mining district	Section	Township	Range	Surveyed or unsurveyed	Serial no.	Date of patent
104	Wadsworth	1825A	Quijotoa	{34 to 158.2 E {3 to 168.2 E	15 S 16 S	2 E	Unsurveyed		Do.
105	Bill Nye	1825A	do	3	16 S	do	do		Do.
106	Weldon	1825A	do	3	do	do	do		Do.
107	Weldon mill site	1825A	do	9	do	3 E	do		Do.
108	Garfield No. 2	3074	Cababi	2	do	4 E	do	025545	July 26, 1915
109	Coyote	3074	do	2	do	do	do	025545	Do.
110	Deal	3074	do	2 and 11	do	do	do	025545	Do.
111	Gladys	3074	do	2 and 11	do	do	do	025545	Do.
112	Doctor	3074	do	2 and 11	do	do	do	025545	Do.
113	Picacho	32	do	2 and 3	do	do	do		July 30, 1881
114	Picacho mill site	33	do	2 and 3	do	do	do		Do.
115	Conduit	3074	do	2	do	do	do	025545	July 26, 1915
116	Sulphide	3074	do	2	do	do	do	025545	Do.
117	Oxide	3074	do	2	do	do	do	025545	Do.
118	Wilson	3074	do	2 and 3	do	do	do	025545	Do.
119	Peak	3074	do	{2, 3 {10 and 11	do	do	do	025545	Do.
120	Bernice	3074	do	3 and 10	do	do	do	025545	Do.
121	Extension	3074	do	3	do	do	do	025545	Do.
122	Kershner	3074	do	3	do	do	do	025545	Do.
123	Little Joe	3074	do	3	do	do	do	025545	Do.
124	Mac	3074	do	3	do	do	do	025545	Do.
125	Schoonover	3074	do	3	do	do	do	225545	Do.
126	Cokespa	34	do	3	do	do	do		Apr. 15, 1882
127	Off	3074	do	3	do	do	do	025545	July 26, 1915
128	Agnes	3074	do	3	16 S	4 E	Unsurveyed	025545	Do.
129	Daisy	3074	do	3	do	do	do	025545	Do.
130	Cokespa No. 2	3074	do	3	do	do	do	025545	Do.
131	Glance	3074	do	3	do	do	do	025545	Do.
132	Queen Mary	3074	do	10	do	do	do	025545	Do.
133	Garfield	3074	do	10 and 11	do	do	do	025545	Do.
134	Little Field	519	do	10	do	do	do		Jan. 8, 1890
135	Petanke	520	do	10	do	do	do		Feb. 5, 1890
136	Little Monarch	521	do	10	do	do	do		Mar. 5, 1890
137	First Prize	531	do	10	do	do	do		Feb. 5, 1890
138	Grand Prize	532	do	10	do	do	do		Do.
139	Cunguian	3068	do	10, 15, and 16	do	do	do	058048	Apr. 7, 1926
140	Hibben Summit	3074	do	11	do	do	do	025545	July 26, 1915
141	Summit	3074	do	11	do	do	do	025545	Do.
142	Midway	3074	do	11	do	do	do	025545	Do.
143	Base	3074	do	11	do	do	do	025545	Do.
144	Garfield No. 3	3074	do	11	do	do	do	025545	Do.
145	Watkins	3074	do	11	do	do	do	025545	Do.
146	Molly No. 3	3074	do	11	do	do	do	025545	Do.
147	Molly	3074	do	11 and 12	do	do	do	025545	Do.
148	Triangle	3074	do	11 and 12	do	do	do	025545	Do.
149	Dome	3074	do	11 and 12	do	do	do	025545	Do.
150	Jack	3070	do	11 and 14	do	do	do	024401	June 28, 1916
151	Golden Rod	3070	do	11 and 14	do	do	do	024401	Do.
152	Golden West	3070	do	11 and 14	do	do	do	024401	Do.
153	Molly No. 2	3074	do	12	do	do	do	025545	July 26, 1915
154	Conch	3074	do	12	16 S	4 E	do	025545	Do
155	Copper Glance	3070	do	13 and 14	do	do	do	024401	June 28, 1916
156	Golden Rod No. 2	3070	do	14	do	do	do	024401	Do.
157	Golden Cross	3070	do	14	do	do	do	024401	Do.
158	Florida	545	do	14	do	do	do		
159	Desert	338	do	15	do	do	do		Mar. 22, 1887
160	Fernandez mill site	40	do	12 and 13	do	5 E	do		June 15, 1881
161	Fernandez	39	do	13	do	do	do		Do.
162	Cobreza	36	do	13	do	do	do		Do.
163	Emperor	164	do	15	do	do	do		
164	Dutchess	165	do	15 and 22	do	do	do		
165	Santa Tomas	30	do	{13 to 16 s, 4 E {18 to 16 s, 5 E	do	{4 E {5 E	do		July 19, 1883
166	El Cautivo	21	do	18	do	5 E	do		Jan. 31, 1877
167	Third Term	544	do	30	do	do	do		
168	Oro Plato	543	do	30	do	do	do		
169	Reilly	4032	do	31	do	do	do		
170	Pocahontas	166	do	1	do	5½ E	do		
171	Sunbeam No. 1	4063	Fresnal	28 and 33	18 S	7 E	do	065661	Sept. 1, 1931
172	Senator No. 1	4063	do	28 and 29	do	do	do	065661	Do.
173	Enterprise	2063A	Ventana	18	19 S	do	do		Nov. 15, 1906
174	Ninety Nine	2063A	do	18	do	do	do		Do.
175	Orndorff	2063A	do	18	do	do	do		Do.
176	Colorado	2063A	do	18	do	do	do		Do.
177	Orndorff	2063B	do	18	do	do	do		

Mr. ASHURST. Mr. President, I would be false to my own sentiment and to my own feelings if at this time I failed to say that the present Commissioner of Indian Affairs, Mr. Collier, did not withdraw these lands from mineral entry. The present Commissioner of Indian Affairs did not violate the agreement that was made with the State of Arizona. That agreement was violated by a former Secretary of the Interior, Hon. Ray Lyman Wilbur, by order of October 28, 1932. Therefore, when I inveigh against the action of the Department of the Interior for violating the agreement made with Arizona, I am not criticizing, even by innuendo, the present Commissioner of Indian Affairs. Indeed, while I do not agree with all of the theories and conclusions of the present Commissioner of Indian Affairs, and I do not agree with many of his acts, I am pleased to say that he is a gentleman of high character, of devotion to what he thinks would be best for the Indians. He is a gentleman of culture and wide information. I have no particular quarrel with him. He is frankness personified, and in the hearings held by the Senate Committee on Indian Affairs, the committee so ably presided over by the senior Senator from Montana [Mr. WHEELER], I asked the Commissioner whether he held the opinion that these mineral rights on the Papago belonged to the Indians. He frankly replied: "I do not. I find no evidence whatever tending to show that the mines or the minerals belong to the Indians."

Moreover, the Department of the Interior, through its Solicitor, has rendered its opinion, to wit, on March 7 of this year, holding that these mineral lands do not belong to the Indians, and are not subject to the jurisdiction of the Indian Bureau, but that the minerals, the right to explore for minerals and extract the same and acquire patents, does now and always has reposed in the Federal Government, just as in the case of all other mineral lands on public domain.

Mr. President, in my opinion, if the Solicitor could have, by any stretching of the imagination, by any intentment, reached an opinion holding that the mineral belonged to the Indians, the Solicitor would have done so, and he is secure from my prejudice in his desire to see that these lands

pass from out the jurisdiction of the Federal Government itself and into the domain of the Bureau of Indian Affairs, because sitting here in Washington some persons absorb the idea that a prospector is someone who is anxious to exploit the public domain. Mr. President, quite the reverse. The prospector smites the face of nature. He goes out upon the hills and there by patient toil, depriving himself, in many cases, of social contact, he discovers minerals. He complies with the law of the land, and if he be successful the money metals that he extracts are poured into the channels and veins of trade, thereby enriching the country at large.

Indeed, Mr. President, it was none other than the prospector himself who opened the great West, who made it possible for the people of the littoral on the Atlantic side of our continent to become a part of the citizenship of the great West. Indeed, Mr. President, the prospector, so far from being a detriment to our country, as he has been pictured by so many bureaucrats, is preeminently the forerunner of civilization, he is the forerunner of prosperity, and one of the great reasons why the depression has been so poignant and so severe is because we have strangled by bureaucratic rule the activities of the prospector.

Mr. President, it was, I repeat, Secretary Ray Lyman Wilbur who by his mere ipse dixit paralyzed the mining law of the United States, or attempted to do so in the instant case. I have never recognized his order as law; in fact, I have advised some prospectors to disregard the promulgation by Secretary Wilbur and to go ahead and locate mining claims, knowing that the courts would hold that only Congress can suspend the mining laws. But the former Secretary, Mr. Wilbur, zealous to do something, as he thought, for the Indians, misadvised, under a misapprehension, proceeded to sign this order which has brought chaos in southwestern Arizona, which has upset a whole county—indeed, two counties—which has suspended all mining operations on the reservations, and even the Papago Indians themselves are largely opposed to this order of the Secretary of the Interior.

Mr. President, whence comes the title to these lands? When the treaty of Guadalupe Hidalgo was ratified it was indeed provided that all valid grants within the domain acquired by the United States from Mexico should be recognized.

Later when the lands under the Gadsden Purchase were acquired—and these lands in question are within the Gadsden Purchase—it was repeated that all valid titles should be deemed and be considered to be valid by the United States. But no lawyer, no court has in the course of 80 years pretended that these Papago Indians had any title to the lands that could be recognized under either treaty. The Department of the Interior has never held that there was any recognition of such rights,

Therefore, Mr. President, it seems to me that while we are dealing with the subject of Indians, this would be an appropriate place for this amendment, which would do no more than restore the status quo, do no more than restore the mining rights as they existed from the time of the ratification of the Gadsden Treaty down to the day when Hon. Ray Lyman Wilbur in 1932 issued his order withdrawing all the mineral lands within the Papago Indian Reservation from sale and settlement.

If Congress now is prepared to countenance an order issued by the Secretary of the Interior withdrawing lands from settlement, withdrawing mineral lands, then, forsooth, any Secretary of the Interior may at any time withdraw all the mining lands, withdraw all the lands within the Senators' several States, and declare that they shall not be eligible to mining or prospecting.

It is not particularly because this land happens to be within the State which I in part represent that I take the position I do. I inveigh against the principle involved. I say that Congress alone has the right and the power to suspend the mining laws. We may some time have a Secretary of the Interior, if these orders are countenanced, who would do quite the reverse and would say that for the general public it is wise to deprive these Indians of their mining rights when their rights are recognized by Congress. Laws are made by Congress and executed by the bureaus and by the departments of the Government. So, Mr. President, I ask for a vote on my amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arizona [Mr. ASHURST].

Mr. PITTMAN. Mr. President, let the amendment be read.

Mr. ASHURST. Mr. President, I should like to have the amendment stated once more at the request of the Senator from Nevada.

The LEGISLATIVE CLERK. It is proposed at the proper place to insert a new section as follows:

SEC. —. That the order of the Department of the Interior signed, dated, and approved by Hon. Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation.

Mr. WHEELER. Mr. President, I am unable at this time to disagree with what the Senator from Arizona has stated with reference to the interpretation which he has placed upon the order of the Secretary of the Interior; but I submit that if what he has said is true, it is necessary for an act of Congress to be passed in order that the people in his State should get the rights which they claim they have. But this goes further than merely setting aside the order of the Secretary of the Interior, because it declares that from now on, regardless of whether or not these Indians at the present time hold these valuable mineral rights, if they are mineral rights, they shall be taken away from them, and that the lands shall be thrust open to development by anyone who wishes to go in there.

I also desire to call attention to the fact that by the proposed amendment not only do we take the mineral rights away from them and leave the lands open to exploration, but in addition to that we make it possible for people to go onto that reservation and to mine without paying the Indians anything for that right.

Mr. President, I submit that this is not the proper place for the amendment of the Senator from Arizona. The matter is in controversy between the Department and one of the mining companies in Arizona, and I have volunteered to go to Arizona with the Senator from Arizona, or to have the Committee on Indian Affairs go there and to hold hearings and investigate the matter further, and then, if the committee and the Department can work out something which is satisfactory and just both to the Indians and to the mining companies there, we are quite willing to do it. But this is not the time and this is not the place to attach this kind of an amendment to the bill.

Mr. ASHURST. Mr. President, my sense of fairness and justice compels me to say that no one could have been more considerate than the able Chairman of the Committee on Indian Affairs, the senior Senator from Montana [Mr. WHEELER]. No one could have been more patient. Indeed, I feel like apoligizing for the way I abused his patience and the patience of the committee in the hearings on this subject. The Senator from Montana, with due deference to all other Members of this body, is one of the ablest lawyers of the Senate. The Senator from Montana is one of the ablest lawyers who was ever in the State of Montana, which has produced many great lawyers. Surely the Senator, with his keen intellect, must perceive that I am not asking that any additional rights be granted to citizens. I am simply asking that the conditions which existed from the time of the ratification of the Gadsden Purchase Treaty until 1932 be restored—that that status quo be restored. That is all.

Surely the Senator from Montana is not prepared to say that any Commissioner of the General Land Office or any Commissioner of Indian Affairs or any Secretary of the Interior has the power to suspend the mining laws of the United States. The Senator will not say that, for he is an able lawyer.

The Senator has indeed been so courteous and so kind as to offer to proceed to Arizona upon the adjournment of Congress, or soon thereafter, to investigate this subject. But, Mr. President, before any investigation is made, before any person begins to hold pourparlers with me as to a particular subject, he must first return that which he has taken illegally.

Not intending to imply that the able Senator from Montana has taken anything illegally, I mean that the Secretary of the Interior, having set up his own judgment as law, now, by a successor in office, is saying, "Unless you agree that my previous illegal order shall be ratified and confirmed, I decline to have anything further to do with you." Mr. President, with contempt I refuse to enter into any such an agreement. Not with indignation, I repeat, but with contempt, I decline to hold pourparlers or make any arrangement with those who say, "Allow me to keep that which I took unlawfully, and then I will talk with you as to how much more I am going to take."

I ask Senators to restore the status quo. Then we will talk about some other arrangements.

Mr. WHEELER. Mr. President, if I may say just a word in reply to the Senator, I offered to go to Arizona at his request——

Mr. ASHURST. Yes.

Mr. WHEELER. And to investigate this situation. There are questions of law involved in it as well as questions of fact, upon which it has not been possible to agree. With those questions the Committee on Indian Affairs is not sufficiently conversant at this time, nor is the Senate sufficiently conversant with them, to enable them to pass an intelligent judgment upon them. It may be that everything the Senator stated is correct with reference to the agreement; but, if correct, then the Secretary of the Interior acted illegally; and if he did act illegally it is not necessary to pass a law of this kind to set aside his illegal act.

Mr. ASHURST. Mr. President, prospectors, as a rule, are men of limited means. The Senator invites prospectors to go into court to test this question. It is a lengthy, it is a protracted, and it is an expensive procedure for a lone prospector to go into court to contest the order of the Interior Department.

Mr. WHEELER. Mr. President, may I interrupt the Senator?

Mr. ASHURST. Certainly.

Mr. WHEELER. Let me say to the Senator that those involved in this case are not lowly, poor prospectors. As a matter of fact, they have had legal counsel employed to come to Washington, who have been to the Committee on Indian Affairs on several occasions. Some of the men who are interested in this mining claim and this property are men of some means, because they have followed me clear to Montana to talk to me with reference to it. They are not the lowly prospectors the Senator has pictured to the Senate this afternoon.

Mr. ASHURST. Mr. President, it is my information that a vast majority of these claims are held by individuals. In order to prove that contention which I make I am going again to invite Senators to peruse pages 16, 17, 18, and 19 of the hearings before the committee on April 24, from which it would appear that the vast majority of these claims are held by individuals. Each claim has a different name; each one apparently was patented at a date not quite related to any other date. It is not a fact that the large mining companies of Arizona are interested in acquiring these lands. I hold no brief for the large mining companies in Arizona or any other State. The able Senator from Montana, if he will pardon me, is absolutely mistaken in his conclusion that the so-called "large mining companies" in Arizona or any other State are interested per se, as mining companies, in throwing the lands of the Papago Indian Reservation open to settlement.

Mr. WHEELER. Let me say to the Senator that I made no such statement as that. I simply said that some of the people who were interested in some of these claims were men of means, and that they employed counsel. I do not contend that the large mining companies of Arizona own these claims, because my understanding is that they do not; but there are some promoters there and some people who are interested in some of these claims who apparently have means.

Mr. ASHURST. That may be so. If the Senator knows of anyone in these days who has means he has discovered a sort of individual I do not frequently meet. Now, therefore, I shall make a disclosure to the Senate in order to be perfectly frank. All the information I possess on this subject comes either from personal examination of the land, or from data sent to me by the Chamber of Commerce of Tucson, Ariz. I know of only one man who has talked with me in Washington on the subject of the Papago Indian Reservation, a Mr. Mitke, who is a mining engineer and an able citizen. He has been here and talked to me probably for 5 minutes, and has written me dozens of letters on the subject. He is the only person, except my own colleague and the Member in the House from the State of Arizona, who has talked with me in Washington about the Papago Indian Reservation except, of course, department officials. So I am sure that, if the Senator has been able to discover any lobby, insidious or otherwise, around Washington, in favor of restoring these lands to mining, the Senator's already great fame as an investigator is enhanced by the discovery he has thus made.

No, Mr. President; the prospectors, the miners of the State of Arizona are anxious not to be subjects of public charity, anxious not to be living on the dole, anxious to secure work, want to go out on the reservation and begin to develop and search for minerals. Not only is it a worthy cause, but it is a romantic one, and I think the Senate owes it to itself, owes it to the State of Arizona, owes it to law and proper procedure, to restore these lands to the status they occupied from the day of the Gadsden Treaty until Secretary Wilbur by his ipse dixit presumed to withdraw these lands from entry.

It is not a sufficient answer when citizens' rights are assailed to say, "Go hire a lawyer; go to a court." No; if his rights have been stricken down, we have the power to correct the situation and we should do so.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). The question is on agreeing to the amendment offered by the Senator from Arizona.

Mr. PITTMAN. Mr. President, may I make some inquiries of the Senator from Montana?

Mr. WHEELER. Certainly.

Mr. PITTMAN. Does this bill in any way attempt to deal with the so-called "inherent water rights" of the Indians on reservations?

Mr. WHEELER. No; it does not. It leaves all the water rights just exactly as they have been in the past.

Mr. PITTMAN. There is no attempt to confirm any particular policy with regard to the water rights of the Indians?

Mr. WHEELER. None whatever.

Mr. PITTMAN. The reason I make that inquiry is this: As the Senator knows, there has been a legal dispute for a number of years as to just what rights the Indians obtained under treaties with regard to the flowing waters of a Territory prior to its becoming a State. While I desire, of course, that every Indian in my State shall have an equal right with every citizen of the State and an equal benefit under the utilization of the few waters we have, I should not like to vote for a bill which would in any way attempt by legislation to confirm a policy which is now in dispute.

Mr. WHEELER. There is nothing touching water rights in any way, shape, or form in the pending bill, I will say to the Senator.

Mr. PITTMAN. I may say, for instance, we have two reservations in the State, which were established by proclamation just prior to the admission of the Territory of Nevada to statehood. One of those reservations lies across the Walker River and the other, the Truckee River; one where it flows into Walker Lake and the other where it flows into Pyramid Lake. The Government has contended for years that, by virtue of the establishment of those reservations

and the inducing of the Indians to go upon the particular reservations, there was implied an agreement to supply them with sufficient water to irrigate the entire area within the reservations, without regard to whether or not it was susceptible of irrigation. That holding made it necessary eventually for the Government to build a dam on the Walker River and to impound water to meet that demand of the Indian Bureau. So that the water, under the ruling, might not be taken away from the settlers who had appropriated the use of the water for 50 or 60 years.

Mr. WHEELER. I am familiar with that situation.

Mr. PITTMAN. The Senator is familiar with it?

Mr. WHEELER. I am very familiar with it.

Mr. PITTMAN. And this bill in no way affects that situation?

Mr. WHEELER. It does not affect it in the slightest degree.

Mr. ASHURST. Mr. President, before the vote is taken I ask permission to read from page 5 of the hearings before the Senate Committee on Indian Affairs held on April 24, 1934. Mr. Collier, the able Commissioner, was giving his statement or testimony. I quote from page 5:

Mr. COLLIER. I have previously stated my view pertaining to this particular contract, that I do not myself see any evidence to support the contention that the tribe owned or had ever owned the minerals.

Who is this speaking? Not the able Senator from Montana, not your humble servant; it is the Commissioner of Indian Affairs speaking, on page 5 of the hearings held April 24 last. I repeat:

Mr. COLLIER. I have previously stated my view pertaining to this particular contract, that I do not myself see any evidence to support the contention that the tribe owned or had ever owned the minerals.

Senator ASHURST. I commend your frankness, Mr. Commissioner. In other words, you do not contend that the tribe owns the minerals?

Commissioner COLLIER. That has seemed to me at all times clear.

There is intellect. The Commissioner of Indian Affairs is able quickly to perceive facts and state them accurately and truthfully. He continued:

That has to me at all times seemed clear. Of course, that is a layman's view, and, furthermore, here is the opinion of the solicitor who holds that view.

That is, the attorney for the Department of the Interior.

Senator STEIWER. Do you say that is the Solicitor's view also?
Commissioner COLLIER. Yes, sir.
Senator STEIWER. And it is the Department's view now?
Commissioner COLLIER. Yes.
Senator STEIWER. I think it is more than a mere layman's view, then. It is the Government's attitude deliberately arrived at.
Commissioner COLLIER. Well, I had expressed this view before the Solicitor rendered his opinion.

Mr. President, I repeat that if the present Secretary of the Interior, if the present Commissioner of Indian Affairs, the present Solicitor of the Department, could by any stretching of the law, could by any intendment, have reached a conclusion that those minerals belonged to the Indians, those officials would have done so, because they are zealous for power, they are anxious for jurisdiction, but their intellectual honesty prevented their reaching such a conclusion.

I am asking the Senate to live up to the agreement made with Arizona and the statement of the Department of the Interior that the minerals do not belong to the Indians.

Mr. BORAH. Mr. President——

Mr. ASHURST. I yield to the Senator from Idaho.

Mr. BORAH. Am I to understand the effect of the order made by Secretary Wilbur is to prevent prospecting on that portion of the lands?

Mr. ASHURST. Absolutely.

Mr. BORAH. How long has that condition prevailed?

Mr. ASHURST. The order is presumed to have taken effect October 28, 1932. Mark you, from 1852 until that time prospecting, searching for minerals, the location of minerals, took place, and 120 mining claims were located in good faith and patented.

Mr. BORAH. What is the objection to the Senator's amendment, except it is claimed it does not belong in the bill?

Mr. ASHURST. That is the only objection. The objection of my able friend from Montana is that it might destroy the symmetry of his bill.

Mr. WHEELER. Oh, no!

Mr. ASHURST. The able Senator feels it is a contested question that ought to have more thorough investigation.

Mr. WHEELER. Not only that, but let me say to the Senator from Idaho there has been a conflict, and there is some question in my mind, from a thorough investigation of the matter, as to whether title was conveyed and whether or not the Indians took title. Also I should like to ask the Senator from Arizona this question: Suppose a mining company or individuals go in there to engage in mining, are they willing to pay the Indians a rental for the surface rights?

Mr. ASHURST. I cannot speak for them. So far as I am concerned, I would reject such a proposal. I decline to live by any man's leave underneath the law.

Mr. WHEELER. The situation would simply be that if these lands were all thrown open to mining claims, as the Senator from Idaho knows, what they would do would be to go in and stake out the mining claims and virtually take the reservation away from the Indians.

Mr. ASHURST. Oh no, Mr. President.

Mr. WHEELER. Oh, yes!

Mr. ASHURST. Why did they not do it from 1852 up to 1932? They have taken only 120 claims out of a total of 2,300,000 acres.

Mr. WHEELER. There are many tracts of land. They could go in and cut a reservation all to pieces by taking up mining claims. As I understand, the Bureau of Mines has even suggested that if they did that, they should lease from the Indians the surface rights which belong to them; but these people are unwilling to lease or to pay anything for the surface rights for the use of the title to the Indian lands. There is no question at all that under the law the surface rights to the Indian lands belong to the Indians. These people want to take the surface rights an pay nothing for them.

Mr. BORAH. Would it not be within the power of the Indian Commissioner or the Bureau of Indian Affairs to require that they take a lease?

Mr. WHEELER. As I understand, the Indian Bureau is trying to work out a bill for the purpose of settling the dispute in a proper way and providing that they shall have the power to lease the land for this purpose under certain conditions.

As I said a while ago, when the Senator came to me and asked me if I would go to Arizona, I said I would. I do not think at the present time they can lease the lands in the fashion the Senator has suggested. I do not think they have the authority to do it.

Mr. ASHURST. As to the able Senator from Montana—and I am not using mere words of flattery when I say "able Senator from Montana"; we were college mates in the university in other days—not happier days, but other days—as I said, my friendship and admiration for the Senator from Montana go back long before we came to the Senate. In my judgment, he has never postulated an argument upon more uncertain grounds that the argument he makes today. These lands were subject to exploration and mineral entry from 1852 until 1932. There were during that time 120 claims filed upon and patented. It is not true that the people of Arizona are gathered around like a lot of cormorants to rush in and "take" the lands from the Indians.

The fact is that the Arizona delegation in Congress could have prevented the creation of this reservation in 1917, but we consented that the Indians should have surface rights with an understanding, and the understanding was written into the proclamation creating the reservation in 1917. I ask the able Senator from Montana to listen to this and say if he is prepared to repudiate an agreement between the

United States and the State of Arizona. This is how the reservation was created. This is the agreement made before we consented to the creation of the reservation. The proclamation was signed by Woodrow Wilson, to which all parties agreed, as follows:

The foregoing reservation is hereby created with the understanding that all mineral lands within the reservation which have been or which may be shown to be such and subject to exploration, location, and entry under the existing mining laws of the United States and the rules and regulations of the Secretary of the Interior applying thereto, shall continue to be subject to such exploration, location, and entry notwithstanding the creation of this reservation; and town sites, necessary in connection with the development of the mineral resources of the reservation, may be located within the reservation under such rules and regulations as the Secretary of the Interior may prescribe, and patented under the provisions of the town-site laws of the United States.

President Wilson and his Secretary of the Interior respected that proclamation. President Harding and his Secretary of the Interior, as well as President Coolidge and his Secretary of the Interior, respected that provision, and there was no swarming of land grabbers.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Idaho?

Mr. ASHURST. Certainly.

Mr. BORAH. Has anyone ever sought to contest by court action the legality of that order?

Mr. ASHURST. Not so far as I know; but a number of citizens have written me and I have replied to them to go ahead and make their locations, set up their monuments if they made a valid discovery of minerals, and allow themselves to be arrested. Of course, the court would instantly hold that such a citizen was not a trespasser in going upon the public lands and searching for minerals and locating them if he discovered them. That is my judgment as a lawyer. I do not feel that it is immodest, on this point at least, for me to put myself in opposition to the opinion of my able friend the Senator from Montana.

Mr. President, I am ready for a vote.

Mr. DILL. Mr. President, I am not only concerned about the amendment of the Senator from Arizona but I am concerned about the implications of this bill, which go to the very kind of thing the Senator is talking about.

Section 3 of the bill proposes that in the case of every Indian reservation in this country that has been opened to settlement, where any land is left that has not been taken up, the land shall be put back into a reservation. I am not familiar with the conditions in other States, and I cannot speak as to what the effect will be in those States; but I know that in my own State, where some years ago we opened to settlement an Indian reservation of more than a million acres of land, only a comparatively small amount of which has been settled, there are homes of white men on homesteads which they took, scattered all through that reservation; but it is an open country. It is not a closed reservation, as it was prior to the time when they could settle there. This bill now proposes to give the President the power to put all the surrounding land back into the Indian reservations; in fact, it directs the Secretary of the Interior to do so. We are breeding more trouble by this proposed legislation than we have ever dreamed of, if that is to be the effect of it.

Mr. WHEELER. Mr. President——

Mr. DILL. I yield to the Senator from Montana.

Mr. WHEELER. No; I will not interrupt the Senator. I thought he was through.

Mr. DILL. I am not through, and if I had known this measure was to come up, I would not be through for a long time.

For years and years Members of Congress from Western States have made a long fight here to open Indian reservations to settlement and to make it possible to use these lands that the Indian never did use, and has not the ability to use, and will not for generations to come. These lands that have been opened and are not used are now by this bill to be thrown back into a closed reservation, and we shall find ourselves in another session of Congress or two confronted with the demands of the people to open the reservations which we fought for many years to have opened. It is the most backward step, so far as the opening of the western country is concerned, that I have seen in the Congress in the 20 years I have had the honor to be about the Capitol.

I do not believe Representatives and Senators have any conception of what it is going to mean if we put back into a closed reservation every area that has been opened to settlement that is not now taken up by white ownership.

Mr. BORAH. Mr. President, do I understand that it is conceded that the effect of this bill will be to put these lands back into reservations?

Mr. DILL. If the Senator will read section 3, I think he will agree that there cannot be any misunderstanding of what it means:

The Secretary of the Interior is hereby authorized and directed to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States.

Mr. FRAZIER. There is a proviso at the end of section 3.

Mr. DILL. Oh, that the valid rights or claims of persons to lands withdrawn shall not be interfered with, of course; but these white men who have taken up their homes, homesteaded them, and own them, will find themselves set down in a closed Indian reservation.

Mr. WHEELER. That is not correct. That is not the effect of the bill.

Mr. DILL. What is the effect of it?

Mr. WHEELER. There is no closed Indian reservation in the sense that that term was formerly used.

Mr. DILL. I think I have lived among Indian reservations about as long as anybody.

Mr. WHEELER. A closed reservation means that white people cannot go on the reservation. If there is any question at all about that in the mind of the Senator, if he will investigate the law upon the subject, he will find that that is true.

Mr. DILL. What is the meaning of this section?

Mr. WHEELER. The meaning of it is simply this:

On a few of the reservations in the country at the present time there are some lands belonging to the Indian tribes that have been offered for sale. They have not been sold. Some of them belong, for instance, to deceased Indians. They are still being held and have not been sold. What this bill seeks to do is to take those lands that have not been sold and to put them back where they can be used by the Indians themselves, instead of having them sold by the Government or held without getting practically any revenue at all from them. Those who framed and administered the General Allotment Act apparently assumed that after the passage of the act no more children would be born to Indians. Nearly all tribal land not needed for distribution was declared surplus land and this so-called "surplus land" was thrown open to entry by white purchasers.

Mr. DILL. I am not talking about that kind of land. The bill says "surplus land." These lands that have been opened to settlement are no longer the lands of the Indians.

Mr. WHEELER. Oh, yes, they are.

Mr. DILL. Except that they are for sale to the public.

Mr. WHEELER. Oh, yes; they are surplus lands. They belong to the Indian. The Senator again does not understand the situation.

Mr. DILL. But not for his use.

Mr. WHEELER. But what has happened is that the Government has been in a position where it could sell these lands. Now the Government seeks to stop that, because of the fact that these poor, unfortunate Indians are being found landless. The Government has taken the lands and sold them to white people, and then the Indians have been absolutely at the mercy of the white people, have been poverty stricken.

The Senator talks about white people coming down here and wanting to open these reservations. As far as I am concerned, let me say to the Senator that I do not care if every white man in my State wants to rob the Indians; I

am not going to stand on the floor of the Senate and be a party to it.

Mr. DILL. Oh, well, nothing about robbing the Indians is involved here.

Mr. WHEELER. Oh, yes, it is. What we are seeking to do by this bill is to protect the Indians.

Mr. DILL. These reservations have been opened after long fights in both Houses, by proclamation of the President; and now it is proposed to take back this land and put it under Indian control, instead of allowing it to be sold and disposed of and developed. The Indian never did develop it. He never will. The only thing he will ever get out of it will be what money he will sell it for.

Mr. WHEELER. That is not a correct statement of the facts. In many instances today, as the Senator would know if he were familiar with it, where Indians have had an opportunity at all, and where they have been given any help at all, they are working their lands; and even in the Senator's own State, where I visited the reservations, Indians will be found there who are working lands, and prospering and getting along. That is true not only in his State but in every other State.

Mr. DILL. But that is not the land which the Senator proposes to put back under Indian control.

Mr. WHEELER. Oh, yes, it is!

Mr. DILL. I know about that land in my own State, because when I was in the House of Representatives I brought about the opening of about a million acres of land. The Indian never has and never will settle those lands, and yet we are going to put them back in Indian reservations again.

Mr. WHEELER. I will say to the Senator that if he will go out and visit the open reservations in his own State he will find that many of the Indians are working lands.

Mr. DILL. Certainly.

Mr. WHEELER. The white people have not taken those lands. They have not wanted them. They have used them, but they have not bought them.

Mr. DILL. The Indian has been given the choice land in his allotments, and he is working some of it and renting some of it. That is what I am talking about; and great bodies of land which might be taken up and used by white men are just withdrawn now by one fell swoop of a statute that wipes them all out.

Mr. WHEELER. The Secretary now can prevent the sale of these lands if he wants to at any time.

Mr. DILL. Oh, no; he cannot, unless he gets the President to make a proclamation reversing what has already been done by him.

Mr. WHEELER. The Senator is wrong again about that.

Mr. DILL. I am not wrong.

Mr. WHEELER. The Senator is wrong as a matter of law.

Mr. STEIWER. Mr. President, I merely desire to call attention to the fact that section 3, which is the subject of discussion at this moment, relates only to surplus lands.

Mr. WHEELER. Exactly.

Mr. STEIWER. It does not relate to allotted lands, and in my own opinion it would not relate to unallotted tribal lands. It relates only to those tribal lands not necessary for allotment or for other purposes, but are regarded as surplus lands and usually are embraced in the area which is excluded from the reserved area where the size of a reservation is diminished by Executive order.

Mr. DILL. Yes; and it is proposed now to put the land back into the reservation.

Mr. STEIWER. These surplus lands are offered for sale, the proceeds of sale to be employed for the benefit of the Indians. The question is whether the Indian is to have such proceeds or the use of land which he does not need.

These surplus lands, generally speaking, are not considerable in amount. I think there is no great area of surplus lands that would be affected by section 3 of the bill. Such areas as there are under this language would no longer be offered for sale but they would be held by the United States Government for the use of the Indians, either to be allotted at a subsequent time or to be treated as tribal lands, to be used in common, or for some other purpose, for the benefit of the Indians. So, although there is force in the contention of the Senator from Washington, I think it is not of the major importance which he has ascribed to it.

Mr. DILL. The Senator now advances the practical proposition that these lands that have not been sufficiently valuable in an agricultural way or for any other purpose for the white men to homestead and take up may be allotted to the Indian. What good will they be to the Indian? He has not made use of the good land that was given to him; but we are going to put this land back into the Indian reservations.

Mr. STEIWER. I hope the Senator from Washington is not disturbed by the suggestion he is now making. On three reservations in Oregon— and I think on the Yakima Reservation in Washington—the tillable land was allotted to the Indians. In addition to the tillable land, those reservations contained land that lay up against or upon the mountains, in some cases upon very high mountains. That mountainous land was not allotted in the first instance. As the years have gone by, the Indians found in some areas that they have a real necessity for making use of that land for the purpose of providing pasturage for their livestock; so, in more recent years on certain reservations in my State, and I think upon reservations in the State of Washington, the Interior Department has allotted portions of these surplus lands. They are additional allotments, or supplemental allotments in many cases. That has not worked hardship upon the Indians; on the contrary, the allotment of these lands is beneficial to the Indians; and I am convinced these surplus lands ought still to be reserved from sale, that they may in the future be subject to further allotment in those cases in which they are valuable to the Indians.

Mr. DILL. I have not any objection to the allotment of lands that were reserved when these reservations were thrown open. What I am objecting to is the backward step that proposes to reverse and wipe off the statute books every law that has been passed opening Indian reservations in Western States, so far as the lands not now taken up and sold to white men are concerned. That is what I am objecting to. This bill does that, and nobody can change that language, and nobody can change the results of that language, because the Secretary of the Interior is directed to put all these lands back into Indian reservations.

Mr. FRAZIER. Mr. President——

Mr. DILL. I yield to the Senator.

Mr. FRAZIER. I desire to ask the Senator how long ago this land in his State was thrown open.

Mr. DILL. It does not make any difference when it was thrown open.

Mr. FRAZIER. Yes; it does.

Mr. DILL. The land of which I am particularly thinking, more than a million acres, was opened in 1915 or 1916, and I should say that probably 100,000 or 150,000 acres of it have been opened to settlement. Some of it has been bought, and the properties that have been bought in that particular reservation are like the squares in a checkerboard; they are scattered here and there among the Indian lands.

Now, instead of leaving those other lands open for sale, I may say that a development that is going on will make much of that land valuable that heretofore has not been valuable, because of cheap electricity—those lands are all to be thrown back into the Indian reservation, under direct Indian control. It is that to which I object. It will cause trouble all over the western country, and we shall be back here in the next session of Congress to repeal this law and direct the President to issue a new proclamation.

Mr. FRAZIER. I cannot agree with the Senator from Washington on that point.

Mr. DILL. What does the Senator think is the effect of section 3?

Mr. FRAZIER. I think the land that has not been bought these 8 or 10 or 12 or 15 or 20 years, because no one wanted

it, and which is now Indian land, should go back to the Indian who needs it.

Mr. DILL. What will be done with it?

Mr. FRAZIER. It will be used for grazing purposes and similar purposes.

Mr. DILL. Then there will be Indians trying to graze stock in and around all these tracts where white men are now living.

Mr. FRAZIER. That can be arranged by fencing.

Mr. DILL. Who is to pay for fences in that country?

Mr. O'MAHONEY. Mr. President, I desire to ask a question, both of the Senator from Washington and of the Senator from Montana in charge of the bill. What would be the effect of the language contained in section 3 upon the settlers and entrymen on Indian lands under the public land laws of the United States?

Mr. DILL. There could not be any more settlement. It would be lost.

Mr. WHEELER. The Senator is wrong as to that. This would not affect the public-land laws of the States in the slightest degree.

Mr. O'MAHONEY. I mean of the United States.

Mr. WHEELER. It would not affect the public-land laws of the United States in the slightest degree.

Here is why the bill is necessary: When the lands were allotted on some of the Indian reservations it was said that all the remainder of the lands which had not been allotted would be sold and the proceeds would be turned over to the Indians. Now it is found that many of these Indians have had children, and they are seeking allotments for those Indian children. What is to become of the Indian children if they cannot get allotments? They will become paupers, they will be turned, eventually, upon the State of Washington, upon the State of Oregon, and upon the other States. The bill simply seeks to take the surplus lands which have not been sold, which no white man has wanted to buy, and turn them back, so that they will be allotted to the Indians for the purpose of grazing their stock; or in the event that they are good for farming, the lands may be tilled by the Indians.

Is there anything fairer in this world than saying to these Indians, "This land belongs to you; it is your land; and all we are going to do is to save the land that belongs to you for the benefit of your children who have not been allotted any land"?

Is there anybody in the Senate who wants to take that land away from these Indians, and sell it to some white man who may never use it, and turn the Indian children out to be paupers? I cannot conceive of anyone wanting to do that.

Mr. O'MAHONEY. Mr. President, what the Senator says goes to the merits of the proposal.

Mr. WHEELER. Yes.

Mr. O'MAHONEY. I am trying to develop the facts. My question is, Does the section put an end to settlement and sale of lands which have heretofore been opened by proclamation of the President to operation of the public-land laws?

Mr. WHEELER. That is exactly what it seeks to do, to stop the sale of Indian land which has been opened heretofore, and there is only a small amount of it in a few States. The bill seeks to stop that so that the lands can be allotted to the Indian children.

Mr. O'MAHONEY. Has the Senator any report from the Department showing the amount involved?

Mr. WHEELER. I have not a report showing the amount involved. I know, however, that it does not amount to much, and affects only a few reservations.

Mr. O'MAHONEY. As I understand the argument of the Senator from Washington, it is that heretofore Congress, and the President by proclamation, opened to settlement and entry by white men certain Indian lands.

Mr. WHEELER. Surplus lands.

Mr. O'MAHONEY. Certain surplus lands.

Mr. DILL. And they became available to settlement under the public-land laws.

Mr. O'MAHONEY. Yes. In many instances white settlers have gone upon those lands.

Mr. WHEELER. Yes.

Mr. O'MAHONEY. In the belief that the remainder of the lands would in time also be settled by whites. They were expecting to see the development of white communities in those particular areas. Now, I ask the Senator, Will the effect of the pending bill be to cut off that expectation, so to speak?

Mr. WHEELER. I do not know with what expectation they went on the lands.

Mr. O'MAHONEY. It was with the expectation that the neighbor would be a white person, and not an Indian.

Mr. WHEELER. I do not think they had any right to expect that.

Mr. O'MAHONEY. Why not?

Mr. WHEELER. Because in every instance, upon every one of these reservations where land has been thrown open, and people have gone in, there were an Indian's house here and a white man's house there. Take the Flathead Reservation, with which I am very familiar, or the Fort Peck Reservation, or the Crow Reservation; every single one of these reservations has been thrown open to settlement, and every one of them contains a small amount of surplus land, and in every instance white people have gone upon those lands. Some of them have settled upon the land and have built homes there. In most instances, however, the white men have not been able to go out and make a living on the land, and most of them have moved away. As a matter of fact, many of them would be delighted to sell the land back to the Indians if they could get what they put into it.

The Indians have to be protected. They have to have lands, or they will be paupers, and this bill seeks to protect the Indians.

Mr. O'MAHONEY. Let me ask, what lands will come within the definition of surplus land?

Mr. WHEELER. Simply the lands which have not been sold, which were offered for sale and have not been sold to anybody.

Mr. O'MAHONEY. I have in mind a reclamation project upon an Indian reservation which is partially settled. That project is now open to entry to whites. Will it continue to be open to entry, or will it, under this bill, be closed?

Mr. WHEELER. I do not think that would come within the definition of surplus lands, because, as I recall, that project comes entirely under a separate law passed with reference to that subject, unless it is an Indian irrigation project.

Mr. O'MAHONEY. Would the Senator accept an amendment to the bill to the effect that the provisions of section 3 shall not apply to any lands within the boundaries of any reclamation project heretofore defined?

Mr. WHEELER. It would depend on what it was. If it was purely an Indian project, I should not want to accept the amendment. If it was a white-Indian irrigation project, that would be an entirely different thing.

Mr. O'MAHONEY. What does the Senator mean by a "white-Indian irrigation project"?

Mr. WHEELER. There are some irrigation districts, as I recall, although I am not sure of it, which are purely Indian irrigation districts.

Mr. O'MAHONEY. I think the Senator will agree with me that where Congress has authorized the opening of lands within an Indian reservation to reclamation and development, and has expended money for the construction of a reclamation project, nothing in this measure should be so construed as to interrupt that work.

Mr. WHEELER. Exactly. I am perfectly willing to accept an amendment, if the Senator will draft one, applying to irrigation districts.

Mr. O'MAHONEY. I shall present an amendment later.

Mr. ASHURST. Mr. President, if I may again presume to solicit the attention of my able friend the Senator from Montana, let me say that in his argument against my amendment he addressed a part of his remarks to the point

that if the amendment were adopted it might tend to do more than restore the status which the lands occupied before the order of the Secretary of the Interior in 1932.

I have so much respect for the opinions of my able friend, particularly his opinions on legal subjects, that, after carefully studying and exploring my amendment, I have determined to modify the amendment to this extent, as follows: On line 7 in the amendment, after the word "rescinded", to strike out the remainder of the amendment, so that it would read:

That the order of the Department of the Interior signed, dated, and approved by Hon. Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public-land mining laws is hereby revoked and rescinded.

I am exercising my right to modify my amendment.

The argument which the able Senator makes is that the language of the remainder of the amendment might tend to disturb the status existing before that date. I do not think it would change the status, but, yielding to the able Senator's argument, I wish to remove all doubt, and I wish to be free from the suggestion or the imputation that I am trying to do more than return to the former status. I therefore exercise my right to modify my amendment as indicated.

Mr. WHEELER. I will accept the amendment as modified and take it to conference.

Mr. ASHURST. I am profoundly gratified with the announcement of the Senator, and before I conclude my argument I want to say: I know the Senator is diligent; I know he is opposed to the amendment. I know, however, that he has been fair, and whenever a man, whether in the Senate or out of the Senate, makes me a proposition so fair and so manly as that, my sword arm is paralyzed and my voice is silent, and while I think I have a right, under our precedents and our rules, to be on the conference to which this amendment is to be committed, I shall not ask that I be allowed to exercise that right, because I am biased in favor of my own position, and I shall ask the Senator from Montana to excuse me from serving on the conference. I do so without any reluctance, because I have so much confidence in his intellectual integrity that I believe he will manfully try to sustain an amendment adopted by the Senate, even though he might not agree with the same.

The PRESIDING OFFICER (Mr. HATCH in the chair). The question is on the amendment of the Senator from Arizona [Mr. ASHURST], as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. DILL. Mr. President, I desire to recur to section 3. After the explanation made by the Senator from Montana [Mr. WHEELER], I am now more convinced than ever that I am right in my position; and I wish the Senator from Montana would give his attention, for I desire to propose an amendment.

The effect of enacting this bill will be that those parts of the reservations which have been open to entry under the public-land laws and have not yet been taken will be restored to tribal ownership. I take it there are instances in the country where that might be a wise thing to do. I know that in my own State in certain reservations it will cause endless trouble. I believe that, instead of being a direction, the provision should be an authorization that it be done only if the Secretary finds, after an investigation, that it is in the public interest to do it.

Permit me to call the attention of the Senator to what happened in regard to the Colville Indian Reservation in my State. For many years we fought to get a law to open to settlement the southern half of that reservation. In 1909 we passed such a law. It was not until some 8 or 9 years later that we could induce the President, on the recommendation of the Commissioner of Indian Affairs, to open the reservation to settlement. He did open it to settlement. A large part of it has been taken up by white settlers; but in opening the reservation, in spite of the law, four townships were reserved to be kept for Indian children who might be born in the future. Four of the best townships of the reservation were kept for the purpose of having lands which could be allotted to these children in the years to come. Those lands have not been absorbed; and it does not seem to me there is any necessity of bringing about the trouble that will be brought about in that area, at least at this time, when we have several townships of land still open to allotment.

There may be some cases where they will want to take the land. I do not know whether or not the land is worth anything.

Mr. WHEELER. Mr. President, what amendment has the Senator in mind?

Mr. DILL. I should like to amend section 3 by striking out the words "and directed", in line 2, and in line 6, after "United States", by adding "in those States where he shall find it to be in the public interest", so that it would be within the Secretary's power to do so, but he would not be compelled to do so. If the bill should be passed as it now reads, he will be compelled to do it. He will have no discretion. If we strike out the words "and directed", in line 2, and after the words "United States" insert "in those States where he shall find it to be in the public interest", he will have the power, but he will not be compelled to do it.

Mr. WHEELER. I do not think it should be "in those States." Let us pass over the matter and work out the amendment.

Mr. DILL. The Senator from Montana sees what I want. I do not want the law to be compulsory, so that in cases where it ought not to be done the Secretary will say, "I have no discretion."

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. McCARRAN. Mr. President, is there an amendment now pending and undisposed of?

Mr. WHEELER. There is no amendment pending.

Mr. McCARRAN. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to add an additional section at the end of the bill, as follows:

SEC. —. The rights to the use of public waters on lands allotted or acquired or allocated or held for Indian purposes under the provisions of this act, or lands affected hereby, shall in all instances be governed by the statutes and decisions of the respective States applicable thereto as regards duty, appropriation, and beneficial use of said public waters, and where the same have been determined by the constituted authority such determination is hereby recognized, subject to all the rules and laws of the respective States applicable thereto, and subject to all rights of review or appeal as now existent, and no rights or litigants or claimants shall be affected hereby.

Mr. WHEELER. Mr. President, permit me to say to the Senator from Nevada that there is not a thing in this bill at the present time which affects the situation as he has outlined it in his amendment, and there cannot possibly be anything in the bill that affects it. It does not deal in any way, shape, or form with water rights or the acquiring of additional water rights, excepting by purchase by the Secretary of the Interior. I cannot conceive of any reason why an amendment of that kind should be added to the bill.

Mr. McCARRAN. Mr. President, this amendment is offered pursuant to a long and historic review where the rights to the use of water flowing in public streams and public natural waterways have been matters of controversy.

If the statement of the learned Senator from Montana is correct—and I am entirely agreeable to accept it as being correct—then certainly no harm can flow from the adoption of this amendment. The fact is, however, that this very matter is controversial and has been for years past in all the Western States which have the rule of prior appropriation of water as distinguished from the rule of riparian rights. In other words, where prior appropriation prevails, as distinguished from the riparian doctrine, the appropriation of water attaches to the land; and when the land is set aside or

segregated, water is presumed, in accordance with some theories—I am not advocating this—but in accordance with some theories, water from public natural streams is presumed to be allocated by reason of the necessity growing out of climatic conditions.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. FRAZIER. I think the Senator will agree with me that the Indians have been robbed of water rights a great deal more than the Indian reservations have ever robbed the white men of their water rights. I think that statement applies in his own State, too.

Mr. McCARRAN. I will not go that far. I know that the learned Senator was a member of a committee which went to that part of the country and held hearings, which I attended, which was the first time I had the opportunity of meeting the learned Senator from North Dakota. I do not go so far as the Senator goes, however. I say that the lands allocated to the Indians should have their proper water rights, but they should have them in conformity with rules, customs, and laws prevalent, by which the white man is governed and willing to be governed, and no more.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WHEELER. The Senator's amendment, it seems to me, goes much further than it should go. While it is not necessary, in my judgment, at all, still if the Senator desired to insert something of the kind in the bill he could simply say:

Nothing in this act shall be construed to amend or repeal the laws relating to the use of public waters on lands allotted or acquired or allocated or held for Indian purposes under the provisions of this act.

That would cover what the Senator has in mind.

Mr. McCARRAN. Mr. President, I ask to have the Official Reporter read the language suggested by the Senator from Montana.

The PRESIDING OFFICER. The Official Reporter will read the language.

The Official Reporter read as follows:

Nothing in this act shall be construed to amend or repeal the laws relating to the use of public waters on lands allotted or acquired or allocated or held for Indian purposes under the provisions of this act.

Mr. McCARRAN. Mr. President, I will adopt that language. I modify my amendment by the insertion of the language just read and suggested by the learned Senator from Montana.

The PRESIDING OFFICER. The amendment of the Senator from Nevada [Mr. McCARRAN], as modified, will be stated.

The CHIEF CLERK. It is proposed to add an additional section at the end of the bill, as follows:

SEC. 20. Nothing in this act shall be construed to amend or repeal the laws relating to the use of public waters on lands allotted or acquired or allocated or held for Indian purposes under the provisions of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada [Mr. McCARRAN], as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. O'MAHONEY. Mr. President, I send an amendment to the desk to be added at the end of section 3, which I ask to have stated. This is in pursuance of the discussion in which we engaged just a few moments ago.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to add at the end of section 3 the following proviso:

Provided further, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation.

Mr. WHEELER. Mr. President, I think this is a perfectly proper amendment, and I think it should be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY].

The amendment was agreed to.

Mr. HAYDEN. Mr. President, I desire to invite the attention of the Senator in charge of the bill to page 3, lines 8 to 21, as follows:

There is hereby authorized to be appropriated for the acquisition of such interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, a sum not to exceed $2,000,000 in any one fiscal year: *Provided*, That no part of such funds shall be used to acquire additional land for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary-extension measures now pending in Congress and embodied in the bills (S. 2499 and H.R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S. 2531 and H.R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, become law.

One of the bills, House bill 8927, has passed both Houses of Congress and will undoubtedly be approved by the President. In that bill, and I am quite sure in respect to the other measure, which relates to the State of New Mexico, there are authorized appropriations of sums of money to acquire land within the proposed boundaries, which is entirely proper; but this language, it seems to me, would repeal that authorization, being a subsequent law. I do not know exactly how to get at it, but I suggest that the bill be amended by inserting after the word "land" in line 13, the words "outside of the Navajo Indian Reservation."

Mr. ASHURST. Mr. President, will my colleague kindly restate his amendment?

Mr. HAYDEN. I move to insert after the word "land", in line 13, on page 3, the words "outside of the exterior boundaries of the Navajo Reservation."

Mr. WHEELER. I see no objection to the amendment. This particular section was put in by the Department so as to protect the Department in the event that the other bills did not happen to get through Congress.

Mr. HAYDEN. I offer the amendment, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, line 13, after the word "land", it is proposed to insert the words "outside of the exterior boundaries of the Navajo Reservation."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DILL. Mr. President, I call the attention of the Senator from Montana to an amendment which I desire to offer on page 2, line 2, to strike out the words "and directed" and after the word "Interior", in line 1, to insert "if he shall find it to be in the public interest", so that the section will read:

The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership—

And so forth.

Mr. WHEELER. Mr. President, I think if the Secretary finds it is "in the public interest" he should be authorized and directed.

Mr. DILL. I think that direction ought to be left out. I think if he is authorized that is sufficient.

Mr. WHEELER. I repeat, I think if he finds it "in the public interest", that he should be authorized and directed to take the action.

Mr. ASHURST. I should provide "that he shall have the power to do so."

Mr. WHEELER. "Or that he shall have the power."

Mr. ASHURST. Instead of directing, why not provide that he shall have the power?

Mr. DILL. I propose to leave out the words "and directed"; I do not think it ought to be made compulsory.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 2, after the word "authorized", it is proposed to strike out the words "and directed" and, in line 1, to insert, after the word "Interior", the words "if he shall find it to be in the public interest."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. FESS. Mr. President, is there any amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. FESS. There is an absent Senator who desires to offer an amendment, and therefore I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll, and called the names of Mr. ASHURST and Mr. AUSTIN.

Mr. FESS. Mr. President, if no Senator has answered to his name, I withdraw the suggestion of the absence of a quorum.

The PRESIDING OFFICER. No Senator has responded to his name, and the suggestion of the absence of a quorum is withdrawn.

Mr. STEIWER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 9, in line 14, after the word "Seminole" and the period, it is proposed to insert a colon and the following proviso:

And provided further, That the provisions of section 4 of this act shall not apply to the Indians of the Klamath Reservation in Oregon.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

Mr. STEIWER. Mr. President, I hope we may avoid the necessity of extended debate on this amendment. I want to say to the Senator from Montana that this is the amendment of which I spoke to him some days ago, concerning which we made an agreement. The only purpose of the amendment is to provide that one section of the bill, and one section only, shall not be applicable to one tribe of Indians in the State of Oregon. This is in accordance with the desires of the Indians, and I hope that there may be no resistance offered to the effort as made by the amendment.

Mr. WHEELER. Mr. President, I cannot agree with that amendment, let me say, because it seems to me if the majority of the Indians do not want to go into it they have a perfect right to stay out, and this particular section 4 provides that they must have, as I recall——

Mr. STEIWER. Mr. President, if I may correct him, the Senator has the wrong section.

Mr. WHEELER. I beg the Senator's pardon. I see that that is so.

Mr. STEIWER. This is the section dealing with the disposition of restricted lands, trust lands, and this is the amendment of which I spoke to the Senator from Montana some days ago at the time the calendar was called. It has no relation at all to the incorporation of the properties of the Indians or the right of the Indians by majority vote to remain out of the corporation. I am not seeking to disturb that proposal at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. STEIWER].

The amendment was agreed to.

Mr. ASHURST. Mr. President, before voting on the passage of the bill, I wish to suggest that I presume, in the interest of symmetry, my amendment should go at the end of the bill. I will ask the Senator in charge of the bill as to that.

Mr. WHEELER. It should go at the end of the bill.

Mr. ASHURST. I am content with that. Let it be added as a new section at the end of the bill.

The PRESIDING OFFICER. The amendment has been placed at the end of the bill as section 19. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF PUBLIC GRAZING LANDS

Mr. ADAMS. I move that the Senate proceed to the consideration of House bill 6462, known as the "grazing bill."

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

The motion was agreed to; and the Senate proceeded to the consideration of the bill (H.R. 6462) to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes, which had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. ADAMS. Mr. President, in a brief word I wish to offer an explanation of this bill. The bill is commonly known as the "Taylor bill" or the "grazing bill." The public domain, formerly vast, covering all the western part of the United States has by various processes, by withdrawal of the forest reserves for national parks and through homestead entries, gradually been reduced. There is now an area of 173,000,000 acres of land, which is the residue after all the forest withdrawals, after all the national park withdrawals, after all the homestead entries. In fact, very little of it is suitable for homesteads. The homesteader occupied the public domain under the 160-acre homestead law, then under the enlarged 320-acre homestead law, and then under the 640-acre homestead law, until there remains this vast tract suitable almost exclusively for grazing purposes at best.

This land is wholly unregulated. The domain is now open, without limitation or restriction and without cost, to any use that the public may see fit to make of it. Its principal use is that of grazing. Unfortunately the results have been that much of the land, especially that which is the preferable grazing land, has been overgrazed, and it is in a sadly eroded and damaged condition. This bill provides for the creation of grazing districts for the purpose of protecting this residue of the public domain against further damage by water erosion and wind erosion and by limiting the number of stock that may be grazed within the grazing capacity of the land.

The bill does not authorize the creation of grazing districts comprising the entire 173,000,000 acres, but has been limited to 80,000,000 acres. There was some question as to whether or not all this land should be included; consequently the committee has modified the House bill by restricting the authority of the Secretary of the Interior so that he may create grazing districts out of but 80,000,000 acres.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. MCGILL in the chair). Does the Senator from Colorado yield to the Senator from Idaho?

Mr. ADAMS. I yield.

Mr. BORAH. May I ask the Senator why the limitation was made? In other words, out of the entire 173,000,000 acres, I understand the bill operates only on 80,000,000?

Mr. ADAMS. That is correct.

Mr. BORAH. Is the Secretary of the Interior to determine for himself in what particular portion of the 173,000,000 acres he will select the 80,000,000 acres?

Mr. ADAMS. That is true. It was the idea to have compact grazing areas, and, perhaps, leaving out the fragmentary areas which were not suitable for compact grazing districts.

Mr. BORAH. Then it gives the Secretary of the Interior complete power to determine for himself on what portion of the 173,000,000 acres he will operate?

Mr. ADAMS. Yes; the original bill gave him the power to act with respect to the entire 173,000,000 acres, but the bill now pending really restricts his power rather than enlarges it.

Mr. BORAH. Yes; if he is to have the authority to deal with a portion of the land, why is it not wise to give him authority over the entire acreage?

Mr. ADAMS. I will be quite frank in saying to the Senator that my own judgment is that it would be preferable to have the entire area of public lands subject to that jurisdiction, but the committee seemed to feel it was preferable to provide a limitation. That action was agreeable to the Secretary of the Interior, who stated, through his representatives, that their survey indicated that only approximately 50,000,000 acres were so located as to be available for the creation of such grazing districts.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. ADAMS. I yield.

Mr. O'MAHONEY. I may say to the Senator from Idaho, in answer to his question that the amendment limiting the operation of the bill to 80,000,000 acres was the result of a belief upon the part of a great many of us in the public-land States that it would be unwise to clothe the Secretary of the Interior with the power to shut off all homesteading in the public-land States.

If the Secretary were permitted to create grazing districts without limitation it would have been possible for him to have stopped all homesteading. It was testified before the Committee on Public Lands and Surveys that the present prospects are, however, that only about 50,000,000 acres would be needed for districts which are contemplated. Consequently it was felt that a degree of assurance might be conveyed to those who still believe that opportunity for homesteading upon the public domain should be maintained, by inserting the amendment, which has the effect of saying to the Secretary, and to all who are interested in the development of the public domain, that only 80,000,000 acres will be affected by the bill without act of Congress. This gives us the assurance that all the public-land laws will continue to apply upon the area which is not included in the grazing districts.

Mr. BORAH. If the Senator will pardon me, I am not a member of the committee, and I did not know the bill was coming up at this time. I would assume that lands which the Secretary of the Interior would naturally select as those out of which to form districts would be the lands most desirable for homestead purposes.

Mr. ADAMS. That is a fair inference. However, the bill does make provision that lands included within the grazing districts which are more suitable for farming or cultivation than for grazing shall be set aside and segregated and shall be retained open to homestead.

Mr. BORAH. That is a wise provision.

Mr. ADAMS. Among the difficulties which have arisen in the handling of the public domain is this: The settler or the rancher or the homesteader, with his herd or his flock and his fixed habitation, has been in the habit of grazing his flock or herd in the forest reserves in the summer, relying upon the open grazing lands for winter feed. But at times he has found, after bringing his flock or herd from the summer pasturage, that herds or flocks from neighboring States or neighboring localities had been driven in and had consumed the pasturage. Frequently those who have come in have been likewise driven out by intrusions from the outside.

There has been no assurance and no certainty on the part of the homesteader or settler that he might have grazing land and forage for his flock or herd in the summer. That has interfered with him in many ways, among others with his capacity to borrow money, because, lacking the assurance of feed for his animals, it has been more difficult to procure necessary loans.

In the drafting of the bill and of the amendments which have been inserted by the Senate committee, great care has been exercised to preserve all the existing rights to the prospectors, the miners, to those having access to public lands for the construction of irrigation ditches, for fishing and hunting. There has been every effort to protect all existing rights, including rights of way for entry and exit, and including stock-driving ranges.

In the granting of permits upon these districts when created, the bill requires that the Secretary of the Interior shall grant preference to bona fide settlers in the neighborhood for the purpose of protecting those who have really a prior and a more just right to the preferences.

The range in our judgment, as the result of the bill, will be improved and filled up. We are convinced that it will be to the ultimate permanent good of the stock-raising industries of the West which are dependent to a large extent upon these grazing areas.

It should be added that before a grazing district can be created, public notice must be given and a hearing had, so that those who desire to make objection or to make suggestions may be heard.

Mr. BORAH. Mr. President——

Mr. ADAMS. I yield to the Senator from Idaho.

Mr. BORAH. With regard to the matter of hearings, to which the Senator has just referred, I understand the objectors, if there be objectors, have no power to stay the action of the Secretary of the Interior in creating a district.

Mr. ADAMS. No; no power.

Mr. BORAH. They are simply given an opportunity to be heard but no power to stay the forming of a district.

Mr. ADAMS. That is correct.

Mr. BORAH. That is found, I take it, at the bottom of page 3 and top of page 4, where it is provided:

> Before grazing districts are created in any State as herein provided, a hearing shall be held in the State after public notice thereof shall have been given, at such location convenient for the attendance of State officials, and the settlers, residents, and livestock owners of the vicinity, as may be determined by the Secretary of the Interior. No such districts shall be established until the expiration of 90 days after such notice shall have been given nor until 20 days after such hearing shall be held: *Provided, however,—*

And so forth. The only effect of the hearing is simply to inform the Secretary of the Interior?

Mr. ADAMS. That is correct.

Mr. BORAH. They have no power to stay his action?

Mr. ADAMS. It is based upon the assumption that the public official having charge of the administration will give heed to the just complaints and suggestions of those directly interested.

That is the substance of the bill. It has many details which it would be needless to explain. I think objections may be illustrated in this way. None of us like to be regulated and that is probably more true in western areas than anywhere else. But the condition has come to prevail where it seems that regulation, irksome though it may be, meddlesome as it will probably be in places, is preferable to overgrazing and lack of regulation which we have—somewhat as in the streets of Washington, where we do not enjoy regulation, and yet traffic would be utterly impossible in the streets if it were unregulated. That condition has come about in western grazing areas.

Mr. COSTIGAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to his colleague?

Mr. ADAMS. Certainly.

Mr. COSTIGAN. May I ask my colleague whether existing homestead laws are interfered with by the proposed legislation?

Mr. ADAMS. They are interfered with to the extent that, within the grazing areas, a homestead may not be filed until application has been made to the Interior Department to classify the land and set it aside; but after application has been made the person making the application has a prior right to file or homestead upon the land which the Interior Department says is suitable for homestead.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. ADAMS. I yield.

Mr. BORAH. Did the committee ascertain any facts or figures as to what proportion of the land is probable homestead land?

Mr. ADAMS. It is said there is very little of it available for successful homesteading. The statement is made that the land has been combed over and over and all the locations which are really suitable, and many others in fact, have been homesteaded, and that there does not seem to be much available homestead land.

Mr. BORAH. Not even under the 640-acre homestead provision?

Mr. ADAMS. No. As a matter of fact, in consideration recently of the drought situation it has been developed that many of those who have gone upon the 640-acre homesteads have been the worst and the first sufferers. They have gone upon land which was so barely adequate to maintain them in fair or good years that they have been perfectly helpless in the bad years.

Mr. BORAH. On page 5, line 10, the bill provides:

> Any willful violation of the provisions of this act or of such rules and regulations thereunder after actual notice thereof shall be punishable by a fine of not more than $500 or by imprisonment for not more than 1 year.

Would that include such regulations as relate to the trespass of one grazer upon lands assigned to another?

Mr. ADAMS. I assume it would. If the Senator will notice, there are two provisions; one for a penalty for willful violation of the provisions of the bill.

Mr. BORAH. Yes.

Mr. ADAMS. Then there is a provision for violation of the rules and regulations. That is restricted to "after actual notice thereof." The Senate committee tried to avoid what seemed to be the harshness of the House provision, so as to provide that no man should be punished for violation of a rule or regulation until it should be established that he had had personal notice of the rule or regulation.

Mr. BORAH. I can understand that the phrase "after actual notice thereof" is a very desirable change; but I am thinking of the flockmaster, or the man who has his flock upon the public domain. Although he may have actual notice of the regulation, yet it seems to me it would be very difficult for him to be free from this punishment if he is to be punished every time he trespasses upon the territory of another, because this provision does not require that it shall be willful if it happens at all. So far as the violation of the act is concerned, it must be willful, but it says further "or of such rules and regulations thereof."

Mr. ADAMS. I should think the word "willful" would apply to both. That would be my interpretation.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. I yield.

Mr. O'MAHONEY. I was merely about to suggest that I cannot see how we could possibly construe this language so as to have "violations" apply to both and not have "willful" apply to both.

Mr. BORAH. The reason why I thought so was because of the fact that the words "after actual notice thereof" have been inserted, and the man certainly would not be willfully violating a regulation unless he did have notice of it.

Mr. O'MAHONEY. Yes; but the language is—

> And any willful violation of the provisions of this Act or of such rules and regulations—

The words "or willful violation of such rules and regulations" must be implied. The phrase "wilful violation" must be inserted before the second clause in any interpretation of the language.

Mr. BORAH. That is perhaps a correct construction; but it seems to me that after the words "after actual notice thereof" were inserted, it was contemplated that the word "willful" did not apply to the rules and regulations.

Mr. O'MAHONEY. Oh, no; I will say to the Senator that the committee was cognizant of the fact that all persons would be held to have knowledge of the law, but we wanted to make it clear that no such construction could be applied with respect to rules and regulations, and therefore that before there could be any criminal prosecution of a violation of rules and regulations it must be certain that the man had actual notice, and not constructive notice.

Mr. BORAH. Yes; but it seems to me it would be rather difficult for the person willfully to violate a regulation that he did not know anything about.

I ask the Senators who framed this measure if they do not think that in this particular kind of measure, where they are dealing with livestock which may pass from one subdivision to another—if these rules and regulations cover that, it would be a pretty harsh rule to subject a man to fine and to imprisonment for the straying of his stock over on to another man's land?

Mr. ADAMS. May I ask the Senator from Idaho what he would suggest?

Mr. BORAH. I would suggest to strike out "rules and regulations." It seems to me that in this particular kind of measure, to make a man subject to fine and imprisonment for the violation of rules and regulations makes it almost impossible for him to avoid that kind of punishment.

Mr. ADAMS. Do we not have the same situation now with reference to the forest reserves?

Mr. BORAH. I am not advised as to the details of that, but I think the Senator realizes that when we make people subject to fine and imprisonment for the violation of a regulation it is, on its face, pretty severe. I am opposed to it in principle, but it is peculiarly so when we come to making rules and regulations for the management of livestock. I think the Senator will find that it is going to be a very harsh rule and a very harsh regulation, make it the best we may.

Mr. ADAMS. But does not the Senator recognize that there must be some means of enforcing the rules and regulations?

Mr. BORAH. Yes; there must be a means of enforcing rules and regulations, like canceling the permit, or anything else we want to do; but here we are making the violation of rules and regulations a penal offense. The Secretary of the Interior has ample authority, if he finds that the party is guilty, to protect himself, because he has complete control of the situation in the granting of the license or anything else.

Mr. ADAMS. Let me suggest this case: Suppose I am the owner of a herd. I have no permit, and I proceed to drive my herd in upon the grazing district. I have no permit to be canceled; and if I am free from penalty, what is to prevent me really from trespassing to my own advantage and the detriment of those holding permits and paying for them?

Mr. BORAH. I may be in error as to the matter, but if I understand the bill, the man without a permit or a license would not be there. He is not permitted to go on this land and graze without a permit or license.

Mr. ADAMS. How are we to keep him off if there is no penalty? We have wrestled with some of those problems, I will say to the Senator from Idaho, and I am frank to say that the result has been somewhat unsatisfactory. We have worked out no very adequate solution.

Mr. BORAH. I think the bill discloses that the committee has spent a great deal of time upon this measure, and I have nothing but commendation for the work of the committee. The amendments which have been inserted seem to me altogether to the good. It may be my fundamental horror of making the citizen liable to fine and imprisonment for violating a regulation that does not enable me to see it in the light in which it should be seen.

Mr. ADAMS. Would the feelings of the Senator from Idaho be somewhat relieved if the imprisonment provision were stricken out so far as violation of rules and regulations is concerned?

Mr. BORAH. Yes; I think that would improve the bill a very great deal, and I think we would have all the power that is needed if we should simply assess a fine.

Mr. ADAMS. Will the Senator from Idaho be good enough to draft an amendment along that line?

Mr. BORAH. I would simply strike out "or by imprisonment."

Mr. CAREY. Mr. President, I should like to state that there would be no protection for the permittee if that provision with reference to regulations were not left in the bill. A man who had a permit could not protect his holdings.

Mr. ADAMS. That is correct.

Mr. BORAH. Mr. President, I desire to pass to another matter before I state my amendment.

I have had numerous letters in regard to this measure from those who style themselves the small users of the public domain. They seem to think that this bill will operate in the interest of the larger holders rather than the small holders. I should like to get the Senator's opinion as to whether or not this bill naturally, in its operation, would operate against the small holder.

Mr. ADAMS. I think not. I should think to the contrary, if anything, when the provisions of the bill in regard to preferences as to permits are considered. Of course, if we had a Secretary of the Interior who was willing to misapply the bill, that might happen. We are always at the mercy of the man having the authority; but I think the purpose as drawn from the bill itself is to the contrary of that impression.

Mr. BORAH. I have here a letter which says:

> If the bill passes, whereby most of the Government land will be withdrawn and put in the control of the Secretary of the Interior, he will undoubtedly lease the land to the highest bidder, and the highest bidder will be certain large cattle and sheep interests, who will divide it up among themselves in accordance with certain strategic positions and in accordance with the control of the water which many of them now have. * * * Unquestionably the little fellows will be shut out entirely—

And so forth.

Mr. ADAMS. It is not contemplated that there will be a lease. A grazing district will be created, as in the case of the forest reserves, and permits will be granted to A to graze 100 head of cattle, and to B to graze 10 head of cattle, and to someone else to graze a different number, and their payments probably will be on a headage basis, as in the case of forest reserves.

Mr. COSTIGAN. I may say to the Senator from Idaho that payments are not to be made on a competitive basis.

Mr. O'MAHONEY. Mr. President, I may say, in amplification of what the Senator from Colorado has said, that there is no provision at all in the bill for competitive bidding; and, as a matter of fact, there is language here, embraced in one of the amendments proposed by the committee, which I think makes it very certain that these permits shall go to the large or small operators who have the best right to them for the development of their grazing rights. The language to which I refer the Senator will find on page 6:

> Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights.

In other words, the effort of the committee was to make it as sure as it could that the small man, so-called, as well as the large operator, should have an equal chance. I think there is really no basis for the fear expressed in the communications which the Senator has received.

Mr. BORAH. I hope not. But I entertain a healthy fear for the small business where a bureau is in control.

Mr. CAREY. Mr. President, I desire to say just a few words regarding this bill, having been one of the members of the subcommittee engaged in working out the various amendments.

I have never favored a leasing bill. I have felt for some time—in fact, I have always felt—that the public lands should pass to the States, thence into private ownership, and should become taxable, and contribute their support to the State and county governments, and aid in the support of the public schools.

If one believes in a leasing bill, this bill is a particularly good bill. It has been carefully worked out by the subcommittee, and every effort has been made to protect the rights of those who are using the public domain as well as settlers.

I can say further that the Secretary of the Interior has been most fair and reasonable in agreeing to and accepting amendments which have been offered by the subcommittee.

The probabilities are that whether this bill becomes a law or not, grazing districts will be established by the Secretary of the Interior. Recently the Solicitor of the Interior Department rendered an opinion to the Secretary in which he advised him that, under the provisions of present laws which provided for the withdrawal of public lands for public purposes, the Secretary has authority to withdraw lands for the purpose of establishing leasing districts, and to prescribe rules and regulations for their management.

I ask unanimous consent to insert in the RECORD at this point the opinion of the Solicitor of the Interior Department.

The PRESIDING OFFICER. Is there objection?

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, January 25, 1934.

The honorable the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: Relative to the proposed Executive order for public grazing withdrawal no. 4, Utah, you have requested my opinion as to the legal authority to create grazing districts upon public lands by exercising the Executive withdrawal power and to prescribe Executive regulations governing grazing in districts so created.

It is my opinion that there is legal authority for the creation of grazing districts upon public lands by Executive withdrawal of the lands involved from settlement, location, sale, or entry for the purpose of reserving the lands for federally regulated grazing, and that there is legal authority for Executive regulation of grazing upon the lands so withdrawn.

I

The proposed Executive order recites its authority as derived from the act of June 25, 1910 (36 Stat. 847). Since, however, the Executive power of withdrawal derives from general nonstatutory sources as well as from statutory sources, I suggest that the order be changed to read as follows:

"By virtue of the authority vested in me as President of the United States and pursuant to the authority vested in me by the act of June 25, 1910 (ch. 421, 36 Stat. 847), as amended by the act of August 24, 1912 (ch. 369, 37 Stat. 497), and subject to all valid existing rights, it is hereby ordered that the land hereinafter listed insofar as title thereto remains in the United States be, and the same is hereby, withdrawn from settlement, location, sale, or entry and reserved for classification, in aid of legislation, for conservation and development of natural resources and for use as grazing land in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior."

The leading case of *United States* v. *Midwest Oil Co.* (1915) (236 U.S. 459, 471, 483) definitely recognized the existence, independent of statutory grant, of the President's power to order withdrawal of public lands from private acquisition. This case involved the validity of "Temporary petroleum withdrawal no. 5", proclaimed by the President on September 27, 1909. Subsequent to its proclamation and before the Midwest Oil Co. case, the President's power in the premises was questioned; and in a message to Congress the President called attention to the existence of the doubt and suggested the desirability of legislation expressly granting the power and ratifying what he had already done. There resulted the act of June 25, 1910 (36 Stat. 847). In the Midwest Oil Co. case, however, the Court held that, as to the 1909 withdrawal, "The act left the rights of parties in the position of these appellees to be determined by the state of the law when the proclamation was issued." This express holding on the effect of the act of 1910 definitely limited the Court's decision to determination of the withdrawal power vested in the President independent of statute.

On the question of the President's nonstatutory withdrawal power the Court concluded, "As heretofore pointed out, the long-continued practice, the acquiescence of Congress, as well as the decisions of the courts, all show that the President had the power to make the order." Mr. Justice Lamar's opinion for the Court described exhaustively the long-continued administrative practice, in which "there had been, prior to 1910, at least 252 Executive orders making reservations for useful, though nonstatutory purposes." The opinion pointed out that not one of those withdrawals was disaffirmed by Congress, that in many instances Congress enacted legislation in assistance of the purposes for which withdrawals were made and that not one of those withdrawals was declared invalid by the courts. The holding in this case, after the exhaustive consideration of the question by the Court, established with certainty in constitutional law the Executive's withdrawal power, independent of statute.

The Midwest Oil Co. case was followed in *Mason* v. *United States* (1923) (260 U.S. 545, 553), in which a 1908 Executive order with-

drawing certain lands in Louisiana was upheld. Mr. Justice Sutherland in his opinion for an unanimous court stated:

"Whatever legitimate doubts existed at the time of the locations respecting the validity of the Executive order, were resolved by the subsequent decision of this Court in *United States* v. *Midwest Oil Co.* (236 U.S. 459), where it was held that a similar order, issued in 1909, was within the power of the Executive. Upon the authority of that case the order here in question must be held valid."

The Executive power of withdrawal, both under the act of 1910 and under the state of law existing prior to that act, has been recognized in several United States Supreme Court cases (*United States* v. *Wilbur*, 283 U.S. 414, 419; *Sinclair* v. *United States*, 279 U.S. 263; *Kinney Coastal Oil Co.* v. *Keiffer*, 277 U.S. 488, 490).

Among the many decisions in the lower Federal courts sanctioning the Executive withdrawal power, *Shaw* v. *Work* (9 Fed. 2d, 1014, 1015), certiorari denied (270 U.S. 642) is outstanding. There it was held that under the act of 1910 the President could withdraw public lands for purposes which by provision of the same statute could be accomplished only by means of legislation and that such a withdrawal remained effective notwithstanding the failure in Congress of the necessary legislation.

The decisions referred to above show definite judicial sanction of the Executive power of withdrawal, whether its basis be nonstatutory or statutory.

Section 1 of the act of 1910 provides:

"That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including the District of Alaska and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress."

The statutory enumeration of certain purposes for reservation is followed by the omnibus clause, "or for other public purposes to be specified in the orders of withdrawals", so that the statute may properly be construed as declaratory of the general nonstatutory power. An Executive order withdrawing public lands for any public purpose may, therefore, with legal propriety rely for authority upon both the nonstatutory and the statutory powers.

It cannot be questioned that withdrawal of public lands for the purpose of reserving them for use as Federally regulated grazing lands is a withdrawal for a public purpose. Congressional determination supports this conclusion. Section 10 of the act of December 29, 1916 (39 Stat. 862), an act to provide for stock-raising homesteads, and for other purposes, provides:

"SEC. 10. That lands containing water holes or other bodies of water needed or used by the public for watering purposes shall not be designated under this act, but may be reserved under the provisions of the act of June 25, 1910, and such lands heretofore or hereafter reserved shall, while so reserved, be kept and held open to the public use for such purposes under such general rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary may, in his discretion, also withdraw from entry lands necessary to insure access by the public to watering places reserved hereunder and needed for use in the movement of stock to summer and winter ranges or to shipping points, and may prescribe such rules and regulations as may be necessary for the proper administration and use of such lands."

I have made particular reference herein to the proposed order's purpose of creating a grazing district because the second question herein considered is concerned with regulations of the use of the withdrawn lands for grazing. The other purposes expressed in the proposed order are expressly recognized in the act of 1910 or may be included in the act's omnibus phrase "other public purposes."

Although the act of 1910 makes certain exceptions to the effect of withdrawals and, although the proposed order subjects the withdrawal "to all valid existing rights", neither the statute nor the order would protect against the withdrawal's effect those who are using the lands involved for grazing stock at the sufferance of the landowner, the United States.

Protection under section 2 of the act of 1910 would not be available, unless the lands for which protection was claimed were at the date of the withdrawal embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law" (36 Stat. 847, 848). Nor would mere use of the lands for grazing, at the sufferance of the United States, be sufficient to establish a valid existing right to which the proposed withdrawal is declared subject. The only right of those so using the lands is to graze stock upon the land so long as the United States suffers them to do so (*Buford* v. *Houtz*, 133 U.S. 320). The proposed withdrawal order would terminate the sufferance. There is direct authority for this position in *Omaechevarria* v. *Idaho* (246 U.S. 343, 352), which held constitutional an Idaho statute that regulated the United States public lands located in Idaho as between those grazing cattle thereon and those grazing sheep thereon. In affirming the Idaho Supreme Court decision upholding the act against objections made by sheep owners, Mr. Justice Brandeis stated in his opinion for the Court:

"This exclusion of sheep owners under certain circumstances does not interfere with any rights of a citizen of the United States. Congress has not conferred upon citizens the right to graze stock upon the public lands. The Government has merely suffered the lands to be so used (*Buford* v. *Houtz*, *supra*). It is because the citizen possesses no such right that it was held by this Court that the Secretary of Agriculture might, in the exercise of his general power to regulate forest reserves, exclude sheep and cattle therefrom (*United States* v. *Grimaud*, 220 U.S. 506; *Light* v. *United States*, 220 U.S. 523)."

The proposed withdrawal order necessarily would terminate the sufferance by the United States of the present grazing upon its public lands. The proposed withdrawal derives its authority under the act of 1910 from any one or a combination of the purposes expressed in the proposed order, i.e., "for classification" and "in aid of legislation." The Federal courts have repeatedly held that an appropriation of public lands for a public purpose by proper governmental action prevents the further use of the withdrawn lands by private persons for any purpose which is in conflict with the purpose for which the withdrawal was made. Case law supports this position. *United States* v. *Tygh Valley Land & Livestock Co.* (76 Fed. 693); *Shannon* v. *United States* (160 Fed. 870) (grazing on lands appropriated for a specified public purpose deemed inconsistent with the purpose, and therefore unlawful and subject to being restrained, notwithstanding *Buford* v. *Houtz*, 133 U.S. 320); *Scott* v. *Carew* (196 U.S. 100); *United States* v. *Hodges* (218 Fed. 87); *Stockley* v. *United States* (271 Fed. 632).

Examination of the pertinent case law and statute law makes it clear that the President has the power to make the proposed withdrawal order, and that the order would be effective to terminate the unregulated grazing on the public lands involved.

There is no specific legislative authorization for the Secretary of the Interior's regulation of Federal grazing districts, but specific legislative authorization is not needed. The proposed order's designation of the Secretary of the Interior as the official to regulate grazing upon the lands withdrawn clearly places the lands under his jurisdiction, and this designation of jurisdiction or regulatory authority is consonant with the Secretary's "general powers over the public lands as guardian of the people." And, having jurisdiction over the land withdrawn, the Secretary of the Interior, by virtue of his general authority, may prescribe such rules and regulations as are necessary to effectuate the public purposes for which the withdrawal and reservation are made.

There is a general statutory authorization of appropriate regulation by the Secretary of the Interior in the execution of those land laws not otherwise specially provided for. In title 43 of the United States Code (which contains the public-land laws, including the act of 1910 relied upon in the proposed order) section 1201 provides:

"The Commissioner of the General Land Office, under the direction of the Secretary of the Interior, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this title not otherwise specially provided for."

Rules and regulations which had no statutory basis of authority other than the section set forth above have been given judicial sanction by the Supreme Court of the United States (*Caha* v. *United States*, 152 U.S. 211, 216; *Roughton* v. *Knight*, 219 U.S. 537).

When the general authorization of executive regulation (R.S. 2478, 43 U.S.C. 1201) is considered in the light of the withdrawal power granted in the act of 1910 (36 Stat. 847, 43 U.S.C. 141), and elaborated in section 10 of the Stock-Raising Homestead Act of December 29, 1916 (39 Stat. 862, 43 U.S.C. 300), the inevitable conclusion is that the Secretary of the Interior has legislative authority to prescribe such regulations for public lands withdrawn, under the act of 1910, as are necessary and proper to effectuate the public purposes of the withdrawals.

This conclusion is borne out by judicial pronouncements of the general powers of the Secretary of the Interior over the public lands (*Williams* v. *United States*, 138 U.S. 514, 524; *United States* v. *Wilbur*, 283 U.S. 414, 419).

Finally, since effective exercise of the well-established executive withdrawal power requires the concomitant power to regulate for the purposes for which the withdrawn lands are reserved, policy favors the legal conclusion I have reached.

Respectfully,

NATHAN R. MARGOLD, *Solicitor.*

Approved January 25, 1934.

T. A. WALTERS,
First Assistant Secretary.

Mr. CAREY. Mr. President, I also have a letter from the Secretary of the Interior which I think confirms my fears that grazing districts will be established without any further law if we do not pass the bill we are now considering. I will read that letter. It is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, Feb. 10, 1934.

Hon. ROBERT D. CAREY,
United States Senate.

MY DEAR SENATOR CAREY: In view of your interest in matters relating to the public domain and referring particularly to a protest submitted to the President by Hon. VINCENT CARTER, Member of Congress from your State, against the issuance of an Executive order withdrawing the public lands from their present grazing uses, I feel that you should be informed that I do not at present

contemplate asking the President to issue a general order withdrawing the public lands for grazing-control purposes. I favor passage of the Taylor bill, H.R. 6462, with which you are familiar, and shall continue to urge its enactment.

For some time the question of the authority of the President, without congressional action, by Executive order to withdraw these lands for grazing and regulate their use for that purpose has been under consideration. As you are doubtless aware the President has announced that he had exercised that authority and signed an Executive order withdrawing a gross area of approximately 1,200,000 acres of land in the desert range of west central Utah responsive to the petition of local range users.

The withdrawal is for the expressed purpose of classification, in aid of legislation, for conservation and development of natural resources and for use as grazing land in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior.

Pending action on the Taylor bill, withdrawals of this character will be resorted to when found necessary, largely upon the application of local users of the range.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Mr. President, in view of this letter, and the opinion of the Solicitor of the Interior Department, I believe that it is perhaps better for the West to accept this legislation, which carefully guards the rights of the users of the range, than to have leasing put into effect with no law whatever. If such a thing were done, we would take the chance of some Secretary of the Interior prescribing unfair rules and regulations. There would not be the restriction of his power or the protection of any rights which are carefully guarded in this bill.

While I am not in favor of any leasing bill and will vote against this bill if there is a roll call, it is possible, considering the determination of the Secretary to establish grazing districts, that those of us who represent the public-domain States should accept this bill as the best we can get at this time. However, it must not be taken as a final settlement of the public-land question.

Mr. O'MAHONEY. Mr. President, I have listened with interest to the remarks of my colleague [Mr. CAREY], and I desire to state that, like him, I have come to feel that the enactment of the pending bill is very highly desirable from the point of view of those who are interested in the most beneficial development of what remains of the public domain. I think it will be beneficial to the livestock industry as a whole, and to the people of the public-land States in general.

The demand for this legislation began many years ago. A bill somewhat like the one before us was introduced several years ago in the House of Representatives by a Member of Congress from the State of Utah. At the hearings which were held upon the pending bill there appeared representatives from various States who urged the enactment of the measure.

In Wyoming there are many who likewise feel that the bill should be enacted. I have received letters from some opposed, but I have had many letters also from those who urge this action. Because of the growing feeling among so many residents of many of the Western States that there should be action, I feel that, in the event that Congress should adjourn without enacting the bill, we would be certain to have withdrawal by Executive action; and if we had withdrawal by Executive action, we would have the rules and regulations for the administration of the grazing districts put into effect by the Secretary of the Interior or by whatever official was charged with the duty of administering the districts. In other words, the rules and regulations under which the grazing districts would be administered would be those which were defined by executive officials in the bureaus, without the advantage of the public comment and the public control which would be exerted through the terms of the pending bill.

OBJECTIONABLE PROVISIONS REMOVED

Mr. President, as the measure came from the House it contained many provisions which seemed to me to be objectionable, or, at least, seemed to be open to the possibility of abuse in administration. But the committee devoted several weeks to an intensive study of the measure, and the amendments which have been proposed, and which will be submitted by the committee, will, in my judgment, make the bill a beneficial one for all of the public-land States.

I think that there can be no argument that it is far wiser, from the point of view of our Western States, to have public grazing administered under the restrictions contained in this measure than under the broad powers of an Executive order. This bill has been, in effect, redrafted since it came to the Senate, but by the friends of development in the West. It is only proper that I should here say that Secretary Ickes has shown every disposition to cooperate with us. I believe that he will administer this measure to the satisfaction of the West.

Amendments have been added by the committee to limit the application of this bill to less than one-half of the remaining unreserved, unappropriated public domain. Amendments have been added to protect every right initiated under any existing public-land law and to make certain that the power and authority of any State will not be diminished as to matters within its jurisdiction. Care has been taken, for example, to provide that the right to hunt or fish within a grazing district in accordance with the laws of any State and of the United States shall not be affected.

Other amendments safeguard water rights and mining rights. Provision was made by the Senate committee to require public notice and a public hearing at a location convenient for State officials and others interested to attend before any district may be created.

The right of a State to exchange lands inside or outside of the boundaries of a grazing district is protected by another amendment.

In order to make certain that lands should not be improperly classified to cut off the right of homesteading, a mandatory amendment was adopted requiring the Secretary to classify any tract not exceeding 320 acres in area for which any qualified entryman should make application and providing that the filing of the application should entitle the applicant to a preference right to enter the lands in the event that they should be open to entry.

HOMESTEADING FALLING OFF

Mr. President, it might be worth while to call attention to the fact that homesteading upon the public domain has been gradually ceasing to be an effective means of passing title to the public lands into private ownership. There was presented at the hearing, at the request of the committee, a statement from the General Land Office showing the number of homestead entries which have been made in the last 16 years. In 1919, for example, there were forty-one-thousand-and-odd entries upon the public domain for homestead purposes. In 1933 the number had decreased to 7,769.

Mr. HATCH. Mr. President, from what page of the hearings is the Senator reading?

Mr. O'MAHONEY. I am referring to page 12 of the hearings before the Senate committee.

An examination of the table in the hearing shows that there has been a steady decrease not only in the number of homestead entries made but also in the number of homestead entries which have been patented. There has been a decline in the proportion of patented claims to original entries, thus showing that an increasing number of homesteaders have been finding it unprofitable to complete their entries. For example, in 1919, when 41,000 entries were made, 38,800 homesteads were patented, but in 1933, when 7,769 entries were made, only 3,664 entries were patented. In other words, these figures conclusively demonstrate that the area in the public-land States which is susceptible to homestead entry has been greatly decreased.

I ask unanimous consent to have the figures to which I have been referring inserted in the RECORD as a part of my remarks.

There being no objection, the figures were ordered to be printed in the RECORD, as follows:

Table showing number and area of homestead entries allowed and patented, beginning with the fiscal year 1918, the year the first stock-raising homesteads were allowed

NUMBER AND AREA OF HOMESTEAD ENTRIES ALLOWED

Fiscal year	Stock raising		All others		Total	
	Number	Acres	Number	Acres	Number	Acres
1918	734	236,578	38,426	7,761,531	39,160	7,998,109
1919	15,035	5,558,756	25,976	5,011,184	41,011	10,569,940
1920	20,979	8,228,749	30,106	5,787,012	51,085	14,015,761
1921	25,653	10,313,733	19,896	3,767,012	45,549	14,080,745
1922	17,922	7,070,176	12,348	2,137,906	30,270	9,208,082
1923	10,719	4,257,990	8,871	1,414,057	19,590	5,672,047
1924	7,006	2,812,664	7,500	1,171,941	14,506	3,984,155
1925	5,613	2,298,039	6,045	890,647	11,658	3,188,686
1926	5,254	2,250,485	5,536	750,918	10,790	3,001,403
1927	5,981	2,663,799	4,907	695,383	10,888	3,359,182
1928	5,878	2,751,213	4,896	727,006	10,774	3,478,219
1929	7,268	3,567,010	4,750	745,415	12,018	4,312,425
1930	8,520	4,125,120	4,728	795,722	13,248	4,920,842
1931	8,497	4,201,766	4,602	722,280	13,099	4,924,046
1932	7,291	3,543,582	3,719	506,272	11,010	4,049,854
1933	4,884	2,358,231	2,885	355,798	7,769	2,714,029
Total	157,234	66,237,891	185,191	33,239,634	342,425	99,477,525

NUMBER AND AREA OF HOMESTEADS PATENTED

1919	21	4,933	38,798	8,844,069	38,819	8,849,007
1920	1,411	376,066	44,042	9,826,905	45,453	10,202,971
1921	4,299	1,249,593	31,144	6,923,209	35,443	8,172,802
1922	8,399	2,919,820	31,653	6,712,816	40,052	9,632,636
1923	7,393	2,590,759	18,312	3,719,171	25,70c	6,309,930
1924	7,767	2,932,158	12,229	2,407,792	19,996	5,339,950
1925	6,416	2,507,122	7,364	1,376,017	13,780	3,883,139
1926	6,490	2,513,676	6,505	1,163,786	12,996	3,677,462
1927	6,152	2,400,605	5,498	1,019,549	12,100	3,420,154
1928	3,460	1,387,278	3,324	540,591	6,784	1,927,869
1929	3,271	1,350,335	3,322	539,641	6,593	1,890,026
1930	2,530	1,057,262	2,461	376,643	4,991	1,433,905
1931	2,462	1,051,593	2,510	371,431	4,972	1,423,024
1932	2,460	1,099,643	2,201	338,432	4,661	1,438,075
1933	1,917	885,453	1,747	257,758	3,664	1,143,211
Total	64,448	24,326,351	211,560	44,417,810	276,008	68,744,16

NOTE.—Attention is directed to the fact that the data as to patented entries do not involve entries allowed during the corresponding fiscal year. Inasmuch as residence is ordinarily required for 3 years and the life of the entry is usually limited to 5 years, it accordingly follows that the entries patented during any particular year were allowed during the preceding 3 to 5 years.

The figures relating to homesteads canceled and relinquished cannot be given with any degree of accuracy. Our records of entries canceled because of failure to submit final proof within the period allowed by statute, of entries canceled for cause, and of entries canceled upon relinquishments, include all classes of entries, and the relinquishment record also includes partial relinquishments as well as relinquishments of entire entries. Furthermore such records relate to number of entries only (no data as to areas involved), being compiled merely for monthly work-report purposes.

Mr. O'MAHONEY. Mr. President, the great bulk of the land which remains is grazing land.

I also ask to have incorporated a table from page 50 of the hearing, showing the classification of the grazing lands in the various States.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Table showing statistics of the public range

[Acres—000 omitted]

State	Vacant, unreserved public land	Principal public-range areas			
		Less-than-1-cent land	1- to 2-cent land	2- to 3-cent land	Total
Arizona	13,204	8,480	3,914	652	13,046
California	16,576	10,200	3,400	----------	13,600
Colorado	7,546	600	5,400	----------	6,000
Idaho	10,510	3,600	5,400	----------	9,000
Montana	6,177	----------	37	3,663	3,700
Nevada	51,270	35,890	15,380	----------	51,200
New Mexico	13,078	1,884	8,216	2,500	12,600
North Dakota	146	----------	----------	----------	----------
Oregon	13,012	1,170	9,945	585	11,700
South Dakota	517	----------	----------	----------	----------
Utah	25,011	16,175	7,465	1,240	24,880
Washington	710	----------	----------	----------	----------
Wyoming	14,327	3,900	7,800	1,300	13,000
Total	172,083	81,899	66,957	9,940	158,796
Average carrying capacity, in animal units, to the square mile	----------	−8	8–15	+15	----------
Stock-raising classification	----------	(1)	(1)	(2)	----------

[1] Too poor.
[2] Too poor in part.

IMPORTANCE OF DEVELOPING WATER

Mr. O'MAHONEY. Mr. President, there is another factor, however, which I think should give us a great deal of concern. That has to do with the development of the water resources upon the remaining public domain. If this bill is not enacted, I do not know how the water resources can be effectively developed, certainly not under existing law.

Only this morning the Senate passed a bill, which I introduced a few days ago, authorizing the Secretary of the Interior to make use of water discovered in wells which are drilled for the production of oil or gas. That bill, now in the House, if it shall be passed there, and the pending bill, if it shall be passed here, will enable the public-land States for the first time in history to have a well-rounded program for the development of water resources on the public domain. Such a program would be of incalculable value to the people of my State.

Upon inquiry from the Geological Survey I find that, in the opinion of that Bureau, the proper utilization of the grazing resources on the public domain will require the development of not less than 8,000 stock-watering places. Of these 2,000, it is estimated, will be wells and 6,000 will be tanks or reservoirs.

It seems to me, therefore, that this is an opportunity for the development of the grazing area in the public-domain States which we cannot well forego; and much as I would prefer to see the remaining public domain pass over to the States for development by the respective States, I recognize the fact that the temper of Congress is such that a bill of that kind cannot be passed at this time.

Mr. COSTIGAN. Mr. President, with respect to the question submitted by the Senator from Idaho [Mr. BORAH], is it not the judgment of the Senator from Wyoming that as to grazing rights and waters the man of moderate means will be better taken care of under Federal supervision than leaving the domain as it is or passing it to the States?

Mr. O'MAHONEY. That is certainly my opinion so far as the present system goes.

Mr. FESS. Mr. President, I desire to ask someone who knows—and I think the Senator from Idaho [Mr. BORAH] probably knows better than any other Senator—whether there has been any exhaustive study with regard to the advantage or disadvantage of the Government doing away with its public-land policy and making a conveyance to the States of the lands which lie within the borders of the States.

It strikes me, as I have followed the problem for years, that while it is perfectly legitimate, it does seem to be an anomaly for the Federal Government to own land within the limits of a State. While I confess I am perfectly ignorant on the subject, my first impression is that we ought to discontinue that policy, and the Federal Government ought to transfer the public land into the hands of the States, where the public lands belong.

Mr. ASHURST. Will the Senator permit me to attempt to answer that question?

Mr. FESS. Mr. President, I should be glad to have the Senator do so.

Mr. ASHURST. Mr. President, that question is one of the most refreshing, encouraging, and heartening I have heard on the floor of the Senate for years, and it is particularly gratifying and significant that the query should have been made by the learned Senator from Ohio.

Mr. President, I am in favor of, and have always been in favor of, the Government extinguishing its title or ownership, not sovereignty, of course, but its ownership or title to the public lands and relinquishing or granting the same to the States, so that the States may get the lands on the tax rolls.

The Senator, of course, being a historian, knows that the State of Texas retained her own land when she came into the Union. The Senator knows that to each State as it was admitted was granted considerable tracts of the public land in aid of the public schools, and so forth. And in my judgment, if the grasp of the Federal Government over the public domain could be relaxed and the lands passed to the States,

it would be one of the most, if not the most, beneficent act that Congress could pass.

The States are under a sort of coercion, or under a sort of absentee landlordism.

The Senator from Idaho pointed a moment ago to the fact that a man with a herd of cattle or a flock of sheep might trespass unwittingly upon the public domain or upon somebody else's grazing ground and would be subject to a fine administered by somebody sitting in Washington, not by a jury of the vicinage, and I regret to say that no European Government, unless it be one that I will not mention, deals more autocratically and more unjustly with its nationals who are attempting to secure homes and secure homesteads and mining rights than does the United States Government with its citizens who are far away from the seat of power here.

Mr. FESS. Mr. President, what was in my mind was that whatever wealth might accrue to the Federal Government from the treasures, such as minerals, and so on, if that were turned over to the States it would be the wealth of the United States anyway, possessed by its citizens in the States.

Mr. ASHURST. Exactly; and the present system has caused many States to lean upon the Federal Government for sustenance and support. Instead of having strong States with much land on the tax roll, we have sitting in Washington bureaucrats far removed and far absent from the tenant, administering these lands, but serenely oblivious to the great problems connected therewith; and nothing can break down the walls of ignorance that surround the ordinary bureaucrats regarding public lands.

I beg the pardon of the Senator from Wyoming [Mr. O'MAHONEY] for interrupting him. I know he would have made a better reply than I could.

Mr. O'MAHONEY. Mr. President, no one could have made a better reply than the gracious and eloquent Senator from Arizona [Mr. ASHURST].

I might say in addition to what he has stated, however, that the sentiment which has made itself manifest in both Houses of Congress with respect to the disposition of the minerals on the public domain has convinced me that at this time it would be impossible to hope for the passage of an act conveying the lands to the States. I should like to see such an act passed, because I know from my own experience that the Western States are well able to handle the public lands. I know for example that the State of Wyoming had a leasing system whereby all the people of that State shared, through royalties, in the development of the mineral wealth long before the Federal Government had a leasing system. The proposal was at one time made that the lands might be conveyed to the States but without the mineral rights. The general sentiment of the West is that it is not willing to accept a shell. If the lands are to be conveyed, they should be conveyed with the mineral resources as well as the surface rights. If the lands are to be conveyed, the States should receive a full title. But because Congress is not yet ready, apparently, to convey the mineral resources with the surface, we must await further opportunity to educate our eastern brethren.

This bill provides for the creation of grazing districts pending final disposal of the lands—an amendment, by the way, which was suggested by my distinguished colleague—so that the question remains open. Let me say to the Senator that if he returns to this body, and if I return, I shall probably remind him of the opinion he has expressed today.

Mr. HATCH. Mr. President, coming from one of the public-land States, I have been greatly interested in this particular bill. The feature that has just been under discussion, that of ceding the public lands to the States, is what I have desired, and what the people of my State want. We have long desired to have the lands turned over to the administration of the State, not only that we might receive the revenues from the lands but that they might the better be gotten into private ownership.

The State of New Mexico has been very successful in the administration of the lands which belong to it, and those who entertain any doubt or fear about the Western States not being able properly to care for the public land if it shall be turned over to them I think are wrong in that doubt, because all those States—especially my State, with which I am most familiar—can and will take care of the public lands.

Having that thought, at first I was somewhat opposed to the pending bill, because I feared it might interfere with the ultimate turning over of the lands to the States; but there is nothing in the bill which will prevent Congress taking such action at some future time.

As the Senator from Wyoming [Mr. O'MAHONEY] has just explained, it does not seem possible to have such a bill passed at this session of the Congress. If it were possible of course that would be the solution so far as the Western States are concerned.

It is apparent in my State that the public domain does need regulation. The present bill has been carefully worked out by the committee, and will prevent many things which have been injurious to the public domain.

It does not seem to me that the bill can be so interpreted that the large cattleman or sheepman, as has been suggested, may secure control of the public domain and exclude the small man. If that were so, I should vote against it; but there is nothing in the bill as I see it, which will bring about such a result.

Another phase of the bill which is particularly interesting to most of the Western States is the homestead provision. Some think that under this bill there will be no further homesteading. The bill provides that even though the lands are withdrawn, those lands which are chiefly valuable for agriculture shall be so classified by the Secretary, and then shall be open to homestead under the public-land laws of the United States.

There is only one provision in the bill which I think may prevent carrying out that policy, and I may offer an amendment to cure that defect later at the proper time; but the bill, as a whole, does not prevent homesteading; it does not give control to the large cattle raisers to the exclusion of the small ones, and, in my opinion, there is nothing which will prevent Congress ultimately turning these lands over to the States.

REIMBURSEMENT OF LOUISIANA FOR LAKE PONTCHARTRAIN CANAL

Mr. LONG. Mr. President, I am not opposing the pending bill. I merely wish to call the attention of the Senate to one of the things which should be done in connection with the transferring of these public lands. The State of Louisiana has borne most of the expense of creating these public lands. Contrary to what the public generally thinks, the domain in these public territories was derived almost wholly from cessions made through the State of Louisiana, particularly the Louisiana Purchase. The freedom of Texas was likewise accomplished largely through the intervention and assistance of citizens of Louisiana, and many of the benefits which today inure to the public generally, whether they go to the Federal Government or to the State governments, may largely be attributable to the efforts of Louisiana citizens. I have always believed that whenever land transfers were made back to the States, as an act of popular recognition, the citizens of Louisiana should be allowed to have some preemptory right of homestead in them. However, we will not contend for that; but there is one thing, Mr. President, which I am going to bring up here in the next Congress, of which I wish to give notice at this session of Congress, and I might as well give notice at this time as at any other time.

It had been advocated for many years by the Federal Government that there should be a canal built between Lake Pontchartrain and the Mississippi River.

As early as the days of Robert Fulton, when Mr. William Dearborn was Secretary of War, before the invention of the steamboat by Fulton, he was sent on an expedition down the mouth of the Mississippi River in order that he might make a survey and submit a report as to what should be done for the benefit of the national defense and for navigation in the interior of the United States. Fulton's report, made at that time to the Secretary of War and likewise communicated to the Congress, I presume, and to the President of the United States, recommended the building of a

canal between Lake Pontchartrain and the Mississippi River, in order that that great arm of the sea, Lake Pontchartrain, beginning in the city of New Orleans and extending to the Gulf, might be available for short routes and for connections between the waters of the Mississippi and the Gulf itself.

The United States Government was supposed to build that canal, and it was the duty of the United States Government to build that canal. A precedent may be found in the case of a canal of similar kind built in Massachusetts, which, I believe is called the "Cape Cod Canal." In that instance the United States Government took over the canal and reimbursed the parties for their cost, although it was not considered anything like as important as the building of a canal between Lake Pontchartrain and the Mississippi River. As I say, it was a matter of national navigation, a matter of national defense that the Mississippi River should be connected through Lake Pontchartrain as an arm of the sea.

That project waited upon the Federal Government, which had been investigating it for a number of years. Finally when the war came on the people of Louisiana were appealed to to take steps to build a canal connecting Lake Pontchartrain with the Mississippi River. Naturally it was under the expectation that whenever the United States had severed itself from the entanglements of the war the State of Louisiana would be reimbursed for its expenditure on this work of national necessity. So the people of Louisiana expended in the neighborhood of $25,000,000 in order to construct this valuable improvement for the defense of the United States Government and for the development of its internal waterways.

We have waited a long time hoping the day might come when our State would be reimbursed for the $25,000,000 which it has expended as a result of national necessities, national defense, and national conveniences. At every session of Congress, when they have undertaken to make some move or to get some steps taken in order that the State might be relieved of that burden of $25,000,000 which it assumed to carry on a national work, there has always been some emergency or some paralysis of Federal funds, so that the recommendation has always been to us, "Let it go by until the next Congress; the Treasury is not in shape to expend the money at this time."

Mr. President, we have been and are paying on those bonds a considerable amount of money. We are having to pay an annual interest rate of from 4½ to 5 percent. We are having to make retirements on those bonds, and there are still over $20,000,000 of those bonds outstanding, unpaid, and as yet the Federal Government has said nothing about taking them up.

We have felt some pride about urging this question ourselves. We had hoped that the Military Affairs Committee or the Appropriations Committee, through the ingenuity and activity of someone outside our State, would make the necessary move for the Government to take off the people of Louisiana the burden they incurred because of the national defense. Many States owe us that much. We had hoped that it would not ever be necessary for any Member of the Senate or of the other House from Louisiana to make this move; but apparently, Mr. President, the motion to have the Government reimburse Louisiana for an expenditure made for national defense and national convenience and the development of the internal-waterway system of the United States will have to be made by a Senator from that State.

So, Mr. President, at the next Congress, unless the action shall be taken by some of my colleagues in this body or by someone in the other House, I will undertake to secure an appropriation or some action on the part of the Government by which it will take over the obligation incurred by the State of Louisiana on behalf of and for the benefit of the United States.

REGULATION OF PUBLIC GRAZING LANDS

The Senate resumed the consideration of the bill (H.R. 6462) to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes.

Mr. BORAH. Mr. President, I am compelled to leave the Senate in a short time and I should like to ask the Senator from Colorado in charge of the bill if he would be willing to consider at this time an amendment striking out the following language on page 5, line 13:

> Or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

If that amendment were agreed to the bill would read at that point—

> Shall be punishable by a fine of not more than $500, in the discretion of the court.

It seems to me that a $500 fine is ample punishment, and I should like to strike out the provision relating to punishment by imprisonment.

Mr. ADAMS. Mr. President, such an amendment will be acceptable to me.

Mr. BORAH. I offer that amendment.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Idaho is agreed to.

The amendments reported by the committee will now be stated.

The first amendment of the Committee on Public Lands and Surveys was, in section 1, page 1, after line 2, to strike out: "That in order to promote the highest use of public land, the Secretary of the Interior in his discretion is hereby authorized to establish by order, grazing districts or additions thereto from any part of the public lands of the United States, exclusive of Alaska, not in national forests, national parks and monuments, Indian reservations, or revested Oregon-California Railroad grant lands, or other revested grant lands in Oregon, and which in his opinion are chiefly valuable for grazing and raising forage crops, and/or to modify the boundaries thereof", and in lieu thereof to insert: "That in order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, not exceeding in the aggregate an area of 80,000,000 acres of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska), which are not in national forests, national parks and monuments, Indian reservations, revested Oregon and California Railroad grant lands, or revested Coos Bay Wagon Road grant lands, and which in his opinion are chiefly valuable for grazing and raising forage crops"; on page 2, line 21, after the word "thereof", to strike out "such orders shall be so worded as to safeguard valid claims existing on the date thereof and shall not"; on page 2, line 23, after the word "not" to insert "Nothing in this act shall be construed in any way to diminish, restrict, or impair any right which has been heretofore or may be hereafter initiated under existing law, and which is maintained pursuant to law except as otherwise expressly provided in this act, nor to"; on page 3, line 5, after the word "State" to insert ", nor as limiting or restricting the power or authority of any State as to matters within its jurisdiction. Whenever any grazing district is established pursuant to this act, the Secretary shall grant to owners of land adjacent to such district, upon application of any such owner, such rights-of-way over the lands included in such district for stock-driving purposes as may be necessary for the convenient access by any such owner to marketing facilities or to lands not within such district owned by such person or upon which such person has stock-grazing rights"; on page 3, line 22, after the numerals "471", to insert "as amended"; in line 24, after the word "specify", to insert "Before grazing districts are created in any State as herein provided, a hearing shall be held in the State, after public notice thereof shall have been given, at such location convenient for the attendance of State officials, and the settlers, residents, and livestock owners of the vicinity, as may be determined by the Secretary of the Interior. No such district shall be established until the expiration of 90 days after

such notice shall have been given, nor until 20 days after such hearing shall be held: *Provided, however,* That the publication of such notice shall have the effect of withdrawing all public lands within the exterior boundary of such proposed grazing districts from all forms of entry of settlement. Nothing in this act shall be construed as in any way altering or restricting the right to hunt or fish within a grazing district in accordance with the laws of the United States or of any State, or as vesting in any permittee any right whatsoever to interfere with hunting or fishing within a grazing district", so as to make the section read:

That in order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, not exceeding in the aggregate an area of 80,000,000 acres of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska), which are not in national forests, national parks and monuments, Indian reservations, revested Oregon & California Railroad grant lands, or revested Coos Bay Wagon Road grant lands, and which in his opinion are chiefly valuable for grazing and raising forage crops: *Provided,* That no lands withdrawn or reserved for any other purpose shall be included in any such district except with the approval of the head of the department having jurisdiction thereof. Nothing in this act shall be construed in any way to diminish, restrict, or impair any right which has been heretofore or may be hereafter initiated under existing law, and which is maintained pursuant to law except as otherwise expressly provided in this act, nor to affect any land heretofore or hereafter surveyed which, except for the provisions of this act, would be a part of any grant to any State, nor as limiting or restricting the power or authority of any State as to matters within its jurisdiction. Whenever any grazing district is established pursuant to this act, the Secretary shall grant to owners of land adjacent to such district, upon application of any such owner, such rights-of-way over the lands included in such district for stock-driving purposes as may be necessary for the convenient access by any such owner to marketing facilities or to lands not within such district owned by such person or upon which such person has stock-grazing rights. Neither this act nor the act of December 29, 1916 (39 Stat. 862; U.S.C., title 43, secs. 291 and following), commonly known as the "Stock Raising Homestead Act", shall be construed as limiting the authority or policy of Congress or the President to include in national forests public lands of the character described in section 24 of the act of March 3, 1891 (26 Stat. 1103; U.S.C., title 16, sec. 471), as amended, for the purposes set forth in the act of June 4, 1897 (30 Stat. 35; U.S.C., title 16, sec. 475), or such other purposes as Congress may specify. Before grazing districts are created in any State as herein provided, a hearing shall be held in the State, after public notice thereof shall have been given, at such location convenient for the attendance of State officials, and the settlers, residents, and livestock owners of the vicinity, as may be determined by the Secretary of the Interior. No such district shall be established until the expiration of 90 days after such notice shall have been given, nor until 20 days after such hearing shall be held: *Provided, however,* That the publication of such notice shall have the effect of withdrawing all public lands within the exterior boundary of such proposed grazing districts from all forms of entry of settlement. Nothing in this act shall be construed as in any way altering or restricting the right to hunt or fish within a grazing district in accordance with the laws of the United States or of any State, or as vesting in any permittee any right whatsoever to interfere with hunting or fishing within a grazing district.

The amendment was agreed to.

The next amendment was, in section 2, page 5, line 4, after the word "range", to strike out "and to stabilize the livestock industry dependent upon the use of such public grazing lands"; in line 10, after the word "any", to insert "willful"; in line 11, after the word "or", to insert "of"; and in line 12, after the word "thereunder", to insert "after actual notice thereof", so as to make the section read:

SEC. 2. The Secretary of the Interior shall make provision for the protection, administration, regulation, and improvement of such grazing districts as may be created under the authority of the foregoing section, and he shall make such rules and regulations and establish such service, enter into such cooperative agreements, and do any and all things necessary to accomplish the purposes of this act and to insure the objects of such grazing districts, namely, to regulate their occupancy and use, to preserve the land and its resources from destruction or unnecessary injury, to provide for the orderly use, improvement, and development of the range; and the Secretary of the Interior is authorized to continue the study of erosion and flood control and to perform such work as may be necessary amply to protect and rehabilitate the areas subject to the provisions of this act, through such funds as may be made available for that purpose, and any willful violation of the provisions of this act or of such rules and regulations thereunder after actual notice thereof shall be punishable by a fine of not more than $500 or by imprisonment for not more than 1 year, or by both such fine and imprisonment, in the discretion of the court.

The amendment was agreed to.

The next amendment was, in section 3, line 22, after the word "time", to strike out "under his authority"; on page 6, line 1, after the word "and", to strike out "preference shall be given occupants and settlers on land within or near a district to such range privileges as may be needed to permit proper use of lands occupied by them. Such permits may be issued to individuals, groups, associations, or corporations authorized to conduct a livestock business under the laws of the State in which the grazing district is located for" and to insert: "to groups, associations, or corporations authorized to conduct business under the laws of the State in which the grazing district is located. Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands, water, or water rights owned, occupied, or leased by them, except that until July 1, 1935, no preference shall be given in the issuance of such permits to any such owner, occupant, or settler, whose rights were acquired between January 1, 1934, and December 31, 1934, both dates inclusive. Such permits shall be for"; on page 7, line 5, after the word "exists", to strike out "*And provided further,* That in such orders, and in administering this act, rights to the use of water for mining, agricultural, manufacturing, or other purposes, vested and accrued and which are recognized and acknowledged by the local customs, laws, and decisions of the courts, shall be maintained and protected in the possessors and owners thereof, and, so far as consistent with the purposes of this act, grazing rights similarly recognized and acknowledged, shall be adequately safeguarded" and in lieu thereof to insert "*Provided further,* That nothing in this act shall be construed or administered in any way to diminish or impair any right to the possession and use of water for mining, agriculture, manufacturing, or other purposes which has heretofore vested or accrued under existing law or which may be hereafter initiated or acquired and maintained in accordance with law. So far as consistent with the purposes and provisions of this act, grazing privileges recognized and acknowledged shall be adequately safeguarded, but the creation of a grazing district or the issuance of a permit pursuant to the provisions of this act shall not create any right, title, interest, or estate in or to the lands", so as to make the section read:

SEC. 3. That the Secretary of the Interior is hereby authorized to issue or cause to be issued permits to graze livestock on such grazing districts to such bona fide settlers, residents, and other stock owners as under his rules and regulations are entitled to participate in the use of the range, upon the payment annually of reasonable fees in each case to be fixed or determined from time to time: *Provided,* That grazing permits shall be issued only to citizens of the United States or to those who have filed the necessary declaration of intention to become such, as required by the naturalization laws and to groups, associations, or corporations authorized to conduct business under the laws of the State in which the grazing district is located. Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands, water, or water rights owned, occupied, or leased by them, except that until July 1, 1935, no preference shall be given in the issuance of such permits to any such owner, occupant, or settler whose rights were acquired between January 1, 1934, and December 31, 1934, both dates inclusive. Such permits shall be for a period of not more than 10 years, subject to the preference right of the permittees to renewal in the discretion of the Secretary of the Interior, who shall specify from time to time numbers of stock and seasons of use. During periods of range depletion due to severe drought or other natural causes, or in case of a general epidemic of disease, during the life of the permit, the Secretary of the Interior is hereby authorized, in his discretion to remit, reduce, refund in whole or in part, or authorize postponement of payment of grazing fees for such depletion period so long as the emergency exists: *Provided further,* That nothing in this act shall be construed or administered in any way to diminish or impair any right to the possession and use of water for mining, agriculture, manufacturing, or other purposes which has heretofore vested or accrued under existing law or which may be hereafter initiated

or acquired and maintained in accordance with law. So far as consistent with the purposes and provisions of this act, grazing privileges recognized and acknowledged shall be adequately safeguarded, but the creation of a grazing district or the issuance of a permit pursuant to the provisions of this act shall not create any right, title, interest, or estate in or to the lands.

The amendment was agreed to.

The next amendment was, in section 4, page 8, line 6, after the word "approved", to insert "Permittees shall be required by the Secretary of the Interior to comply with the provisions of law of the State within which the grazing district is located with respect to the cost and maintenance of partition fences"; and in line 13, after the word "occupant", to strike out "a reasonable pro rata value for the use of such improvements. If the parties interested cannot agree, then the amount of such payment shall" and insert "the reasonable value of such improvements to", so as to make the section read:

SEC. 4. Fences, wells, reservoirs, and other improvements necessary to the care and management of the permitted livestock may be constructed on the public lands within such grazing districts under permit issued by the authority of the Secretary, or under such cooperative arrangement as the Secretary may approve. Permittees shall be required by the Secretary of the Interior to comply with the provisions of law of the State within which the grazing district is located with respect to the cost and maintenance of partition fences. No permit shall be issued which shall entitle the permittee to the use of such improvements constructed and owned by a prior occupant until the applicant has paid to such prior occupant the reasonable value of such improvements to be determined under rules and regulations of the Secretary of the Interior. The decision of the Secretary in such cases is to be final and conclusive.

The amendment was agreed to.

The next amendment was, in section 5, page 8, line 20, after the word "Interior", to strike out "may" and insert "shall", so as to make the section read:

SEC. 5. That the Secretary of the Interior shall permit, under regulations to be prescribed by him, the free grazing within such districts of livestock kept for domestic purposes; and provided that so far as authorized by existing law or laws hereinafter enacted, nothing herein contained shall prevent the use of timber, stone, gravel, clay, coal, and other deposits by miners, prospectors for mineral, bona fide settlers and residents, for firewood, fencing, buildings, mining, prospecting, and domestic purposes within areas subject to the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 6, page 9, after the article "the", in line 5, to insert "acquisition"; in line 6, after the word "rights-of-way", to insert "within grazing districts"; in line 9, after the word "purposes", to strike out "nor" and insert "and"; in line 10, after the word "developing", to insert "mining"; and in line 11, after the article "the", to strike out "valuable", so as to make the section read:

SEC. 6. Nothing herein contained shall restrict the acquisition, granting, or use of permits or rights-of-way within grazing districts under existing law; or ingress or egress over the public lands in such districts for all proper and lawful purposes; and nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of such districts under law applicable thereto.

The amendment was agreed to.

The next amendment was, in section 7, page 9, line 25, after the word "thereof", to insert "*Provided*, That upon the application of any person qualified to make homestead entry under the public-land laws, filed in the land office of the proper district, the Secretary of the Interior shall cause any tract not exceeding 320 acres in any grazing district to be classified, and such application shall entitle the applicant to a preference right to enter such lands when opened to entry as herein provided:", so as to make the section read:

SEC. 7. That the Secretary is hereby authorized, in his discretion, to examine and classify any lands within such grazing districts which are more valuable and suitable for the production of agricultural crops than native grasses and forage plants, and to open such lands to homestead entry in tracts not exceeding 320 acres in area. Such lands shall not be subject to settlement or occupation as homesteads until after same have been classified and opened to entry after notice to the permittee by the Secretary of the Interior, and the lands shall remain a part of the grazing district until patents are issued therefor, the homesteader to be, after his entry is allowed, entitled to the possession and use thereof: *Provided*, That upon the application of any person qualified to make homestead entry under the public-land laws, filed in the land office of the proper district, the Secretary of the Interior shall cause any tract not exceeding 320 acres in any grazing district to be classified, and such application shall entitle the applicant to a preference right to enter such lands when opened to entry as herein provided: *Provided further*, That no lands containing water holes, springs, or water supplies developed or improved by the holder of any grazing permit or his predecessor in interest shall be subject to classification, settlement, entry, or patent under the provisions of this section.

The amendment was agreed to.

The next amendment was, in section 8, page 10, line 14, after the word "Secretary", to strike out "be, and he hereby is, authorized, in his discretion" and insert "is authorized and directed"; in line 18, after the word "is", to strike out "hereby authorized, in his discretion" and insert "authorized and directed"; in line 20, after the word "any", to insert "privately owned"; in line 21, after the word "grazing", to strike out "district" and insert "district,"; in line 22, after the word "of", to insert "surveyed"; in line 24, after the word "State", to insert "or within a distance of not more than 50 miles within the adjoining State nearest the base lands"; on page 11, line 3, after the word "published", to insert "by the Secretary of the Interior"; and on page 12, line 4, after the word "thereon", to insert "Upon application of any State to exchange lands within or without the boundary of a grazing district the Secretary of the Interior is authorized and directed, pursuant to the provisions of this section as provided for privately owned lands, to proceed with such exchange at the earliest practicable date and to cooperate fully with the State to that end, but no State shall be permitted to select lieu lands in another State", so as to make the section read:

SEC. 8. That where such action will promote the purposes of the district or facilitate its administration, the Secretary is authorized and directed to accept on behalf of the United States any lands within the exterior boundaries of a district as a gift, or, when public interests will be benefited thereby, he is authorized and directed to accept on behalf of the United States title to any privately owned lands within the exterior boundaries of said grazing district, and in exchange therefor to issue patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than 50 miles within the adjoining State nearest the base lands: *Provided*, That before any such exchange shall be effected, notice of the contemplated exchange, describing the lands involved, shall be published by the Secretary of the Interior once each week for 4 successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in the same manner in some like newspaper published in any county in which may be situated any lands to be given in such exchange; lands conveyed to the United States under this act shall, upon acceptance of title, become public lands and parts of the grazing district within whose exterior boundaries they are located: *Provided further*, That either party to an exchange may make reservations of minerals, easements, or rights of use, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior. Where mineral reservations are made in lands conveyed by the United States, it shall be so stipulated in the patent, and any person who acquires the right to mine and remove the reserved mineral deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals, upon payment to the owner of the surface for damages caused to the land and improvements thereon. Upon application of any State to exchange lands within or without the boundary of a grazing district the Secretary of the Interior is authorized and directed, pursuant to the provisions of this section as provided for privately owned lands, to proceed with such exchange at the earliest practicable date and to cooperate fully with the State to that end, but no State shall be permitted to select lieu lands in another State.

Mr. ADAMS. Mr. President, on behalf of the senior Senator from Utah [Mr. KING], who is compelled to be absent, I wish to submit an amendment to the committee amendment, on page 12, to strike out all of lines 7 and 8 and insert in lieu thereof the following:

Directed, in the manner provided for exchange of privately owned lands in this section, to proceed with such.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado [Mr. ADAMS] on behalf of the

Senator from Utah [Mr. KING] to the amendment of the committee will be stated.

The CHIEF CLERK. In the committee amendment, on page 12, it is proposed to strike out all of lines 7 and 8 and in lieu thereof to insert:

Directed, in the manner provided for the exchange of privately owned lands in this section, to proceed with such.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Lands and Surveys was, in section 9, page 12, line 14, after the word "stockmen", to insert "State land officials, and official State agencies engaged in conservation or propagation of wild life"; in line 16, after the word "districts", to strike out "and with such advisory boards as they may name. The views of authorized advisory boards shall be given fullest consideration consistent with the proper use of the resource and the rights and needs of minorities"; in line 21, after the word "for", to insert "local hearings on"; in line 22 after the article "the", to strike out "decision" and insert "decisions"; in line 23, after the word "charge", to insert "in a manner similar to the procedure in the land department", so as to make the section read:

SEC. 9. The Secretary of the Interior shall provide, by suitable rules and regulations, for cooperation with local associations of stockmen, State land officials, and official State agencies engaged in conservation or propagation of wild life interested in the use of the grazing districts. The Secretary of the Interior shall provide by appropriate rules and regulations for local hearings on appeals from the decisions of the administrative officer in charge in a manner similar to the procedure in the land department. The Secretary of the Interior shall also be empowered to accept contributions toward the administration, protection, and improvement of the district, moneys so received to be covered into the Treasury as a special fund, which is hereby appropriated and made available until expended, as the Secretary of the Interior may direct, for payment of expenses incident to said administration, protection, and improvement, and for refunds to depositors of amounts contributed by them in excess of their share of the cost.

The amendment was agreed to.

The next amendment was in section 10, on page 13, line 14, after the word "available", to insert "when appropriated by the Congress"; in line 17, before the numerals "50", to strike out "an additional"; and on page 14, line 1, after the word "therein", to strike out "*Provided further*, That no moneys shall be used or made available for the purposes hereinbefore set forth until appropriated by Congress", so as to make the section read:

SEC. 10. That, except as provided in sections 9 and 11 hereof, all moneys received under the authority of this act shall be deposited in the Treasury of the United States as miscellaneous receipts, but 25 percent of all moneys received from each grazing district during any fiscal year is hereby made available, when appropriated by the Congress, for expenditure by the Secretary of the Interior for the construction, purchase, or maintenance of range improvements, and 50 percent of the money received from each grazing district during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which said grazing district is situated, to be expended as the State legislature may prescribe for the benefit of the county or counties in which the grazing district is situated: *Provided*, That if any grazing district is in more than one State or county, the distributive share to each from the proceeds of said district shall be proportional to its area therein.

The amendment was agreed to.

The next amendment was in section 11, on page 14, line 20, to strike out "agreements, the", and insert "agreements. The"; and on page 15, line 3, after the word "public", to strike out "interest: *Provided*, That in such grazing districts established in Indian ceded lands, the Indians shall be classified as preferential applicants for grazing privileges, and surplus range may be allotted to the use of others only after the reasonable needs of the Indians for additional grazing lands have been met", and to insert the word "interest", so as to make the section read:

SEC. 11. That when appropriated by Congress, 25 percent of all moneys received from each grazing district on Indian lands ceded to the United States for disposition under the public-land laws during any fiscal year is hereby made available for expenditure by the Secretary of the Interior for the construction, purchase, or maintenance of range improvements; and an additional 25 percent of the money received from grazing during each fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which said lands are situated, to be expended as the State legislature may prescribe for the benefit of public schools and public roads of the county or counties in which such grazing lands are situated. And the remaining 50 percent of all money received from such grazing lands shall be deposited to the credit of the Indians pending final disposition under applicable laws, treaties, or agreements. The applicable public land laws as to said Indian ceded lands within a district created under this act shall continue in operation, except that each and every application for nonmineral title to said lands in a district created under this act shall be allowed only if in the opinion of the Secretary of the Interior the land is of the character suited to disposal through the act under which application is made and such entry and disposal will not affect adversely the best public interest, but no settlement or occupation of such lands shall be permitted until 90 days after allowance of an application.

The amendment was agreed to.

The next amendment was, in section 13, on page 15, line 17, after the words "United States", to strike out "upon the joint recommendation of the Secretary of the Interior and the Secretary of Agriculture, be, and he is hereby", and to insert in lieu thereof the word "is"; in line 21, after the word "administration", to insert "in any State where national forests may be created or enlarged by Executive order"; and on page 16, line 13, after the word "act" and the period, to insert:

Nothing in this section shall be construed so as to limit the powers of the President (relating to reorganizations in the executive departments) granted by title IV of the act entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933.

So as to make the section read:

SEC. 13. That the President of the United States is authorized to reserve by proclamation and place under national-forest administration in any State where national forests may be created or enlarged by Executive order any unappropriated public lands lying within watersheds forming a part of the national forests which, in his opinion, can best be administered in connection with existing national-forest administration units, and to place under the Interior Department administration any lands within national forests, principally valuable for grazing, which, in his opinion, can best be administered under the provisions of this act: *Provided*, That such reservations or transfers shall not interfere with legal rights acquired under any public-land laws so long as such rights are legally maintained. Lands placed under the national-forest administration under the authority of this act shall be subject to all the laws and regulations relating to national forests, and lands placed under the Interior Department administration shall be subject to all public-land laws and regulations applicable to grazing districts created under authority of this act. Nothing in this section shall be construed so as to limit the powers of the President (relating to reorganizations in the executive departments) granted by title 4 of the act entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933.

The amendment was agreed to.

The next amendment was, on page 16, line 20, to insert a new section 14.

Mr. O'MAHONEY. Mr. President, before the amendment is read, I desire to offer an amendment to the committee amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming to the committee amendment will be stated.

The CHIEF CLERK. In section 14, on page 16, line 22, after the numerals "2455", it is proposed to insert "notwithstanding the provisions of section 2357 of the Revised Statutes and of the act of August 30, 1890", so as to make the section read:

SEC. 14. That section 2455 of the Revised Statutes, as amended, is amended to read as follows:

"SEC. 2455. Notwithstanding the provisions of section 2357 of the Revised Statutes and of the act of August 30, 1890, it shall be lawful for the Secretary of the Interior to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than the appraised value, any isolated or disconnected tract or parcel of the public domain not exceeding 760 acres which, in his judgment, it would be proper to expose for sale after at least 30 days' notice by the land office of the district in which such land may be situated: *Provided*, That for a period of not less than 30 days after the highest bid has been received, any owner or owners of contiguous land shall have a preference right to buy the offered lands at such

highest bid price, and where two or more persons apply to exercise such preference right the Secretary of the Interior is authorized to make an equitable division of the land among such applicants, but in no case shall the adjacent land owner or owners be required to pay more than three times the appraised price: *Provided, further,* That any legal subdivisions of the public land, not exceeding 160 acres, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of the said Secretary, be ordered into the market and sold pursuant to this section upon the application of any person who owns land or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this section: *Provided further,* That this section shall not defeat any valid right which has already attached under any pending entry or location. The word 'person' in this section shall be deemed to include corporations, partnerships, and associations."

Mr. McCARRAN. Mr. President, will the Senator from Wyoming explain the amendment?

Mr. O'MAHONEY. Mr. President, an amendment was inserted in the bill for the purpose of enabling the Secretary of the Interior to sell certain isolated tracts which are not suitable for inclusion in grazing districts. It appears that the public-land laws now governing the sale of isolated tracts fix a minimum price of $1.25 an acre on some and $2.50 an acre on others. In view of the fact that the amendment changes the whole system by providing for appraisal, it was deemed advisable to do away with that limitation as to price and also with the limitation as to the amount of acreage a single purchaser may acquire. It is merely to clarify the amendment which has been approved by the committee and by the Department.

Mr. McCARRAN. I should like to know how that would affect State lands heretofore allocated pursuant to the agricultural college act and various other acts, where the restrictive acts were carried out at $1.25 per acre. Are we to understand now that a new policy is to go into effect even if the lands are still held by the State, although they were allocated for university and school purposes or may be under contract by the State?

Mr. O'MAHONEY. This would not affect them at all.

Mr. McCARRAN. Why not?

Mr. O'MAHONEY. This affects only lands which are under control of the Federal Government, which are embraced within the unreserved and unappropriated public domain, and upon which no contractual rights or any other private or State rights have been initiated.

Mr. McCARRAN. How would it affect sections 13 and 36 of each township?

Mr. O'MAHONEY. It would not affect them at all.

Mr. McCARRAN. Why not?

Mr. O'MAHONEY. Because it does not apply to them.

Mr. McCARRAN. That is not allocated land. It is simply land that may be allocated or may be selected for school purposes, or it may not. The State may select it or it may abrogate its right to select it.

Mr. O'MAHONEY. The purpose of the section is to provide for the sale of isolated tracts which are too small to be available for the creation of grazing districts. They are detached from the body of the public domain. They are not now likely to be entered because the land is not sufficiently good to invite any entrymen to go to the trouble of even making application to enter it, to say nothing about living upon it. The purpose of the amendment is to establish a system whereby such lands may be sold to others, homesteaders or ranchers, who may make good use of them. It applies only to an inconsiderable portion of the public domain and could not possibly affect any State interest except to the extent that it places additional land on the tax roll.

Mr. McCARRAN. I think I understand what the Senator has in mind. I am wondering if that means that where a homestead may have been taken up within an area which may be designated for a particular grazing district under the terms of the bill, the homestead entry may be canceled and the homesteader removed therefrom?

Mr. O'MAHONEY. Oh, no. No such authority is granted.

Mr. McCARRAN. Where is the guarantee against it?

Mr. O'MAHONEY. His rights are specifically guaranteed in the bill.

Mr. McCARRAN. Will the Senator kindly direct my attention to the particular language?

Mr. O'MAHONEY. At the bottom of page 2, this language was inserted by the committee:

Nothing in this act shall be construed in any way to diminish, restrict, or impair any right which has been heretofore or may be hereafter initiated under existing law, and which is maintained pursuant to law except as otherwise expressly provided in this act, nor to affect any land heretofore or hereafter surveyed which, except for the provisions of this act, would be a part of any grant to any State.

No homestead may be cut off. No State may be denied any unsurveyed lands and any individual who desires to make an entry even in a grazing district may demand a classification of the lands.

We have left nothing undone to protect individual rights and State rights.

Mr. McCARRAN. Suppose, as a matter of instance, a district is about to be created according to the terms of the bill, and somewhere in the midst of that proposed district there is a homestead, perhaps not yet perfected, but in existence. The homesteader believes that he has certain rights on the public domain.

Mr. O'MAHONEY. He is entitled to those rights. He may maintain those rights. His homestead cannot be affected or taken away from him, but if he wants to do so he may exchange it for other land outside the district.

Mr. McCARRAN. Will the Senator kindly tell me what his rights would be under the bill if enacted into law?

Mr. O'MAHONEY. His right to his homestead would be just as it is now.

Mr. COSTIGAN. Mr. President, may I ask the Senator from Wyoming whether he should not have read the language on page 3, lines 5 to 7?

Mr. O'MAHONEY. Yes; I think that would have added strength to it.

Mr. COSTIGAN. The language there is definitely responsive to the question of the Senator from Nevada.

Mr. O'MAHONEY. Yes; it reads as follows:

Nor as limiting or restricting the power or authority of any State as to matters within its jurisdiction.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Public Lands and Surveys was, on page 18, after line 2, to insert a new section, as follows:

SEC. 15. The Secretary of the Interior is further authorized in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are situated in such isolated or disconnected tracts of more than 760 acres as not to justify their inclusion in any grazing district to be established pursuant to this act, to lease any such lands to owners of lands contiguous thereto for grazing purposes, upon application therefor by any such owner, and upon such terms and conditions as the Secretary may prescribe.

Mr. CAREY. Mr. President, I desire to offer an amendment to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 18, lines 6 and 7, it is proposed to strike out "more than 760 acres" and to insert in lieu thereof "640 acres or more."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. McCARRAN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed, on page 6, line 19, after the word "inclusive", to insert:

and provide that any holder of a lien on the livestock of any qualified permittee shall be subrogated to all rights of such permittee under this act upon default under such lien, and all rights of such permittee under this act shall continue and be recognized in the holder of such lien so long as said permittee may be an obligor of or to any such loaning agency, governmental or private.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nevada.

Mr. McCARRAN. I ask the Senator having charge of the bill to accept the amendment.

Mr. ADAMS. Mr. President, I should like to have the purpose and effect of the amendment explained. May I ask the Senator from Nevada whether that is one of the amendments that were submitted to the committee?

Mr. McCARRAN. In a different form. In other words, it has been submitted back to the Department; and the Department, through its representative who is now here on the floor sitting next to the Senator from Wyoming [Mr. O'MAHONEY] and the Senator from Colorado [Mr. ADAMS], has accepted this amendment.

If I may explain in a very brief statement the object of the amendment, in the West there are some 160,000,000 acres of unappropriated public domain. I may say, without any desire to emphasize it, that of the one hundred and sixty-odd million acres of unappropriated public domain, 56,000,000 acres are in my own State; I think perchance a little more than 56,000,000 acres.

Wherever there may be water throughout the West, there the settler has made his homestead. Whether the water came from a spring or from a running stream, or whether he developed it out of the earth by wells tapping subterranean flow, wherever he has made a homestead he has created something that is green; he has made two blades of grass grow where no blades of grass grew formerly.

With that development there came the development of stockraising. Cattle and sheep are essential to agricultural pursuits. They are essential now to western agricultural pursuits. They will be as long as the mind of man may reach into the future. The homesteader, the man who took up the desert of the West and reclaimed it, became accustomed by reason of tradition, rules and regulations never written in statutes but recognized by mankind generally, to the use of the public domain. What controls the public domain in the arid West? Those who listen to me today know what controls the public domain in the arid West. It is a spring here, and a seepage of water there, and a little stream somewhere else.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield, gladly.

Mr. HATCH. In line with the Senator's thought, I desire to direct his attention to an amendment which I shall offer as soon as his amendment shall have been acted upon.

Mr. McCARRAN. Very well; I thank the Senator from New Mexico. So that those springs, those seepages, and those little trickles of water, have become the thing that has dominated and made possible the development of the great arid West.

There is not any question about that. Those of us who live out there know it. A man has 40 acres here, and a spring upon it. It is 25 miles remote from his home ranch. Let me make the picture.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. O'MAHONEY. I did not care to interrupt the thread of the Senator's argument, but I have just read his amendment, and I desire to ask him a question with respect to it.

The amendment reads:

And provided that any owner of a lien on the livestock of any qualified permittee shall be subrogated to all rights of such permittee under this act upon default under such lien—

To that point I quite agree with what the Senator is seeking to do; but I read the remainder of his amendment—

and all rights of such permittee under this act shall continue and be recognized in the holder of such lien so long as said permittee may be an obligor of or to any such loaning agency, governmental or private.

Is not the Senator fearful that that language would place the permittee under an unduly stringent degree of control by the person who had happened to loan him money?

Mr. McCARRAN. That is not the object.

Mr. O'MAHONEY. I know it is not the object.

Mr. McCARRAN. If the language conveys that idea, I am only too glad to submit to any amendment that will get away from that.

Mr. ADAMS. Mr. President, may I interrupt to suggest another point? If I read the suggested amendment correctly, if one of the loaning agencies referred to has a lien upon a single animal belonging to a permittee, he is thereby subrogated to all the rights of the permittee, regardless of how wide they may be; and, further than that, so long as that lien continues, the permit must continue, regardless of the provisions of the permit. In other words, it may continue indefinitely.

Mr. McCARRAN. I hope I did not hear the Senator incorrectly. As I caught his statement, if a loaning agency had a lien on any animals, regardless of how wide the rights might be, the rights of the agency would be subrogated. Some of them are not so wide out west right now, because of the drought. [Laughter.] I know what the Senator means, however, and I am only facetious to a certain point.

Mr. ADAMS. The Senator is justified.

Mr. McCARRAN. What I have in mind, however, is that one holding a farm or a homestead who has heretofore depended upon the public range as a part of an integral unit, of which his homestead may have been the minor part, shall have the privilege of going to a loaning agency and asking permission to borrow, and having recognition of the fact that he has certain rights upon the public domain which shall not be interfered with during the term of that loan. Do I make myself clear to the learned Senator from Colorado?

Mr. ADAMS. Yes; except to this extent, if I may point out again, trying to be more accurate: If the loaning agency has a loan upon 10 head of the permittee's stock, and the permittee has the right to graze a thousand head, the man with the loan upon 10 head is subrogated to the right of the permittee to graze a thousand head upon the range.

Mr. McCARRAN. All right, why not? It became a part of the security. It was a part of the security when the money was loaned.

Mr. ADAMS. I can understand that the money loaner would be very much delighted with it.

Mr. McCARRAN. Yes; more than that, the farmer would be delighted with it. If the farmers in Colorado today could get the benefit of the amendment I am offering, they would not be writing in here asking for this amendment to be offered; and they have been writing to the learned Senator from Colorado.

Mr. CAREY. Mr. President, I should like to call the Senator's attention to the language on page 6, line 9, which reads as follows:

Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands—

And so forth. The preferential right to these leases goes with the land; and certainly if the land passed, or the other property passed, it would pass with the land.

Mr. McCARRAN. The Senator is now speaking of leases. I am not speaking of leases at all. I am speaking of the right of user.

Mr. CAREY. That is what I am referring to, the right of using the range. Does the Senator mean the present users, or the people who are to have the preference under this bill?

Mr. McCARRAN. I do not consider that there will be any preference under this bill. Those who have used in the past should be preferred under this bill.

Mr. CAREY. I think this provision gives preference to the people who have adjacent land and who live nearby. If a man had given a mortgage on his livestock, that pref-

erence would go with his property, and I think anybody lending money to him would be protected under the bill as it is.

Mr. McCARRAN. Very well. Then let us assume that a loan is made to a man who has 100 acres of land in fee simple, and he has 200 head of cattle, which have been accustomed to range on the open public domain. He asks for a loan from some Federal agency. They say to him, "Yes; we will loan to you as much as is the value of your fee-simple land." He says, "But I have a right on the open public domain." They say, "You have no right. That belongs to the Government of the United States, and may be taken from you tomorrow, or at any other time."

Mr. CAREY. I call the Senator's attention to the fact that in making loans at the present time consideration is taken of the rights which people have on the forests, and that principle would apply to these lands as well as it would apply to the forests. That right is recognized by the Government and other agencies in making loans.

Mr. McCARRAN. I am informed, Mr. President, that the Forest Service have recently ruled in certain zones that loans are made pursuant to forest rights; but the same question has arisen with reference to forest rights that has arisen and will arise with reference to rights on the open public domain. They say, "You have a right today, but the Forest Service may cut you off tomorrow."

I have met that situation day after day, time after time. If the loans are now being made on the basis of forest rights, then that is something new, and I am glad to hear it.

Mr. CAREY. They are making permittees assign their permits when loans are made.

Mr. McCARRAN. That may be true; that is exactly what I want to apply to the open public domain which is not within the forest. The Senator and I understand that all western lands are not forest lands. Hence this bill is going to take into consideration the nonforest lands, and I think the same rule which the learned Senator from Wyoming tells me has now been applied to rights within the forests should apply to rights within the open public domain. That is the object and purpose of the amendment.

Mr. President, if the amendment, drafted under the guidance and with the full knowledge of the Department, is not to be accepted, then I am not going to yield to anything. If this amendment is not to be accepted, after its language has been submitted to the Department, and after the Department has assented to that language, notwithstanding the fact that I submitted it to the whole committee, then I am sorry for this bill. I say so now, and I am not taking advantage of anybody.

Mr. ADAMS. Mr. President, I trust the Senator does not propose to oppose a bill in its entirety because some Member of the Senate might see fit to oppose an amendment which he offers. Surely, I have to say to the Senator that he will have to exercise his own rights and privileges, because I will not accept what I regard as an improper amendment under threats of that kind.

Mr. McCARRAN. I was not speaking to the Senator from Colorado. I did not know the Senator from Colorado had charge of the bill. If I had known that, I would have addressed myself to him a long time ago, and I apologize to him if I am in error.

Mr. ADAMS. No apology is needed.

Mr. McCARRAN. If the Senator from Colorado is in charge of the bill on the floor, I should like to be advised, so that I may guide myself accordingly.

Mr. ADAMS. I am.

The PRESIDING OFFICER. The amendment offered by the Senator from Nevada seems to be an amendment to a committee amendment which has already been adopted. In order that it may be in order, the vote by which the committee amendment was agreed to will have to be reconsidered.

Mr. McCARRAN. I do not understand my amendment to be an amendment to a committee amendment. Am I in error in that?

The PRESIDING OFFICER. The Chair understands that the Senator's amendment is on page 6, line 19, immediately following the period, which would make it an amendment to a committee amendment.

Is there objection to the reconsideration of the vote by which the committee amendment was agreed to?

Mr. ADAMS. Mr. President, I was about to make a suggestion, that that objection could be very readily obviated by merely changing the point of application of the amendment, which is now offered to be inserted in the middle of the committee amendment. If it were dropped down to the end of the next sentence, it would not come within the rule. I merely suggest that. It would fit in as well below.

Mr. O'MAHONEY. Mr. President, may I say to the Senator from Nevada that the only discussion which I have heard with respect to his amendment has been designed to accomplish the same object he has in mind. There is no disposition, so far as I have been able to determine, to oppose the amendment as an amendment.

If I understand the Senator correctly, his purpose is merely to guarantee that the rights to grazing privileges which are conveyed by the bill shall be so definite and so certain that they may be recognized as security when the holder seeks a loan.

Mr. McCARRAN. That is correct.

Mr. O'MAHONEY. That is the purpose of the amendment?

Mr. McCARRAN. That is exactly correct.

Mr. O'MAHONEY. As I read the language, it goes much further than that, and it would subject the permittee to control and domination by the money lender, which I am sure the Senator from Nevada does not desire to put into effect.

Mr. McCARRAN. I do not, and if there is any clarifying language which could be employed, I will accept it in just a moment.

Mr. O'MAHONEY. I will be very glad to work it out with the Senator. For my part, I should say that ever since I saw the amendment, about an hour ago, I have been turning over in my own mind the problem, in the hope that I might be able to find a solution, but I confess to the Senator that I cannot now think of language by which we could make it mandatory upon any person lending money to accept any particular kind of security.

Mr. McCARRAN. I respectfully suggest to the learned Senator from Wyoming that it is not a question of requiring any mortgagee or loan agent to accept security. It is a question of crystallizing the security which the mortgagee or loan agent may and will accept, so that no intervening agency, governmental, or otherwise, may take from the value of the security. I hope I make myself clear.

Mr. FESS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FESS. Is the amendment of the Senator from Nevada an amendment to a committee amendment?

The PRESIDING OFFICER. It is an amendment to the committee amendment on page 6.

Mr. FESS. Which has already been acted upon?

The PRESIDING OFFICER. The committee amendment has been adopted, and the Chair has inquired whether there is objection to reconsideration of the vote by which the amendment was agreed to.

Mr. FESS. I just wanted to ascertain the parliamentary status, so that if that were the status, I could ask for a reconsideration of the vote.

The PRESIDING OFFICER. Is there objection to a reconsideration of the vote by which the committee amendment on page 6 was agreed to? The Chair hears none, and the vote is reconsidered.

Mr. McCARRAN. I thank the Senator from Ohio.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Navada to the committee amendment.

Mr. McCARRAN. Mr. President, the biggest thing there is in the West is that which is now under consideration.

We are just about ready to give up control of a majority of the public lands and the surface of some States. Fifty-six million acres out of seventy-odd million acres in one sovereign State will pass out of control of that sovereign State and pass into the control of the Federal Government. I do not know how many acres now a part of the States represented by the learned Senators will pass into the control of the Federal Government, but, regardless of the amount, whether it be a minimum or a maximum of acreage, the Federal Government is about to step in and take control.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. ADAMS. Partly in response to the inquiry or perhaps the challenge made a moment ago, it occurs to me that the Senator is slightly in error when he says that this bill will transfer to the control of the Federal Government property now controlled by the States. This bill does not change the title; it does not change the control of an acre of ground. It merely seeks to exercise power which is now in the Federal Government, and to exercise it for the benefit of the citizens of the States.

This suggests an inquiry that I should like to make of the Senator from Nevada. My inquiry is this: Is it the Senator's desire to make provision so that the lender of money may secure for additional security upon his loan the right which the permittee secures in the grazing district? If so, why not put in a provision that whatever rights he has may be assignable as security for the indebtedness?

Mr. McCARRAN. I respectfully answer the learned Senator from Colorado that under this bill he will have no rights. His rights have been written away from him.

Mr. ADAMS. The permittee secures a permit. That is what the Senator is dealing with in his amendment. The Senator is providing that in the case of the permittee who borrows money the lender shall be subrogated to his rights in the permit. The Senator is dealing with the permit. The permit has a definite period of time to run. All that he can give is that which he has. Why not say plainly in the amendment that he shall have the right to execute an assignment or some instrument of incumbrance upon his permit?

Mr. McCARRAN. That is exactly what the amendment prescribes.

Mr. ADAMS. If that was what the amendment provided, there would be no objection to it. The amendment provides more than that.

Mr. McCARRAN. Then there should be no objection to it.

Mr. ADAMS. The Senator has not, I am afraid, read his own amendment with care, because it provides in substance that the permit shall be extended indefinitely beyond the period prescribed, unless the indebtedness is paid. The man who has a 5-year permit, by delaying the payment of his indebtedness, may secure an indefinite permit. That would violate the very purpose of having a regulation.

Mr. McCARRAN. The Senator is simply throwing up a smoke screen now.

Mr. ADAMS. No; I am reading the Senator's amendment, which provides:

> And all rights of such permittee under this act shall continue and be recognized in the holder of such lien so long as such permittee may be an obligor of or to any such loan agency, governmental or private.

Mr. McCARRAN. That is correct. A farmer asks for a thousand-dollar or a five-thousand-dollar loan, and he says, "Here is all I have under fee simple, but here are my rights on the open public domain." He goes to a private loaning agency, he goes to a State bank, or he goes to a Federal loaning agency, and gets the money. Why should that security, which was security when he acquired the loan, be destroyed until the loan is paid? Will the Senator kindly answer that question?

Mr. ADAMS. I cannot answer it, because I cannot understand it. As a matter of fact, there is nothing in the act which destroys the permit which the man had when he made the loan. It continues it. The only thing I can suggest is, if the Senator wants a provision that may be assignable, that may be subject to a mortgage, why not draw an amendment which would make it plain?

Mr. McCARRAN. If the learned Senator from Colorado has read the bill—and I take it he has, because he has given it much study and time—he knows that this matter——

Mr. COUZENS. Mr. President, we cannot hear the Senators on this side of the Chamber. This is a part of the West.

Mr. McCARRAN. I am glad to take the Senator from Michigan into our fraternity. He knows that this whole matter is one of administration, one of rule and regulation; that the Interior Department will write rules and regulations under this bill, and those rules and regulations will become the law of the West from now on.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. O'MAHONEY. I may say that whatever the Senator from Nevada may believe, my desire at least is to cooperate with him in securing the object which he has stated and which I attempted to restate, and which he said I correctly restated.

Mr. McCARRAN. I am very glad to have the Senator's cooperation. I had hoped to have it when I presented this amendment to the committee, but evidently it did not then appeal to the Senator.

Mr. O'MAHONEY. The amendment was not presented in this form to the committee, to my knowledge.

Mr. McCARRAN. The substance of it was.

Mr. O'MAHONEY. Now we are discussing a matter of language, and I would desire to call the Senator's attention again to the language: "and all rights of such permittee under this act shall continue and be recognized in the holder"—how long? "so long as said permittee may be an obligor." What does that mean? Calling the Senator's attention to the language of the bill on page 6, I shall ask his opinion presently. This is the language: "Such permits shall be for a period of not more than 10 years."

Mr. McCARRAN. That is exactly what I want the Senator to dwell on. In other words, the right exists for 10 years, and to get that right extended it will be necessary to go to the Secretary of the Interior, but the loan from a Federal agency may extend over 30 years. How will one get a loan from a Federal agency where there is a spread of 30 years, when one has only 10 years of a right or permit by authority of the Department of the Interior under the provisions of this bill? That is exactly what I wanted brought out, and I am delighted that the Senator from Wyoming brought it out.

Mr. O'MAHONEY. I am delighted also, because we are trying to develop this bill. May I call the Senator's attention now to the fact that his amendment provides that these rights shall continue so long as the permittee may be an obligor; not only of a Government loaning agency, but of any private loaning agency? Would it not be possible under that language, which provides that the rights of the permittee shall continue so long as he is an obligor of a private agency, for a permittee who desires to extend his permit to the exclusion of the rights of homesteaders, of occupants, and settlers who are coming in on the public domain, to enter into an arrangement with some individual merely for the purpose of setting up an obligation so that it would be impossible to terminate the permit, so that permittee A with an associate, B, who was loaning money, could enter into a conspiracy to defeat the purposes of the act, and to prevent a homesteader or an occupant or a settler from acquiring rights upon the grazing district? May I ask the Senator, Would that not be possible under his amendment?

Mr. McCARRAN. I answer the learned Senator from Wyoming thus, that the ingenuity of man has never yet been able to legislate against connivance or scheming, but the ingenuity of man must at all times be bent along lines of broad, open development. I say, yes; there might be a chance for such as that; but it is a fraudulent thing. However, I cannot, neither can the Senator, legislate against prospective fraud.

Mr. O'MAHONEY. Then, why cannot we attempt to work out language here which will be acceptable to the committee and which will secure the thing sought for?

Mr. McCARRAN. I have tried it for a month, and I was turned down cold in the committee. They said they were going to put this bill through, and I say they are not going to put it through until there are amendments to this bill which will protect the rights of the man who has settled on the plains and made a livelihood and a homestead out of the lands where other men would not even dare venture.

Mr. ADAMS. Mr. President, will the Senator yield for an interruption?

Mr. McCARRAN. Certainly; I yield for a question.

Mr. ADAMS. No; I think for a correction. The Senator is in error when he says he was turned down cold by the committee.

Mr. McCARRAN. I took the Senator's own statement.

Mr. ADAMS. Careful consideration was given to the Senator's amendments. The Senator appeared and presented them. They were considered afterward, and no one on the committee has ever said that the bill was going to pass, or made any declaration on the subject. The bill is submitted upon its merits. We believe it should pass. Those two statements by the Senator, however, are erroneous.

Mr. McCARRAN. They are not erroneous; and I will take the Senator's own statement, made to me, in which the Senator said that my amendments had been rejected.

Mr. ADAMS. They were, but not without consideration.

Mr. McCARRAN. I do not know anything about the consideration, but I do know about the rejection. That they are before the Senate now, I do know also. If there is merit in this bill, we may have that merit. I am for merit, but I do not propose to legislate the trail-blazers of the West out of existence, and I am not going to stand for it so long as I have vitality sufficient to resist it.

This is a minor matter, and I am wondering what is behind the opposition to the amendment. It is a minor matter that we have been working on for months and months and months, asking the Federal agency if they will not recognize the rights of western farmers. They say, "No; unless you have a fence around your land, unless you own it in fee simple, unless it is something that we can ride over and understand, you cannot borrow a dollar on it."

Foreclosure after foreclosure is pending today in the West, not in my State alone, but in the State of the learned Senator from Colorado [Mr. ADAMS] and the State of the learned Senator from Wyoming [Mr. O'MAHONEY] and other Western States. One foreclosure brings on another; every time a foreclosure is brought about there is created one more incident to destroy confidence in the American Government. What I am anxious for is to build up something with a permanency that will have the public domain as a background and the public domain will mean something to those who live on it.

Mr. President, it is quite apparent that the learned Senator in charge of this bill does not intend to accept this amendment. I have appealed to him, but it is apparent that he does not propose to yield. Therefore, we must take such course as will guarantee the enactment of proper legislation.

Mr. O'MAHONEY. Mr. President, will the Senator from Nevada yield to me?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. McCARRAN. I yield.

Mr. O'MAHONEY. The Senator from New Mexico [Mr. HATCH] has indicated that it is his desire to present an amendment to the bill. May I suggest to the Senator from Nevada that if he will allow his amendment to be temporarily laid aside while the Senator from New Mexico presents his amendment, I shall be very glad, so far as I am concerned, to cooperate with the Senator, and I am sure that the Senator from Colorado [Mr. ADAMS], who is in charge of the bill, will also be glad to do so in the effort to reach an effective solution of the problem which the Senator presents.

Mr. McCARRAN. What is the subject matter of the amendment proposed by the learned Senator from New Mexico?

Mr. HATCH. The amendment, Mr. President, which I desire to present——

Mr. McCARRAN. I desire to have it understood that I am not yielding the floor, Mr. President.

Mr. HATCH. Mr. President, the amendment which I desire to present is to section 7, on page 10, beginning in line 7, to strike out the proviso. Has the Senator a copy of the bill before him?

Mr. McCARRAN. I have not before me a copy of the bill, but I shall obtain one.

Mr. HATCH. Mr. President, I understand the Senator from Nevada consents that his amendment may be laid aside temporarily so that I may offer the amendment to which I have referred.

Mr. McCARRAN. I do so with the understanding that I shall not by yielding temporarily lose the floor. I am not especially familiar with the rules of the Senate, and I do not desire to yield if by so doing I lose the floor. Otherwise, I shall gladly yield to the Senator from New Mexico.

The PRESIDING OFFICER. By unanimous consent the Senator from Nevada may retain the floor.

Mr. DILL. The Senator from Nevada can again obtain the floor by offering his amendment. There will be no trouble about that.

The PRESIDING OFFICER. With that understanding, the Chair recognizes the Senator from New Mexico.

The Chair understands the amendment of the Senator from Nevada is temporarily laid aside.

Mr. McCARRAN. Very well.

Mr. HATCH. Mr. President, in line 7, I move to strike out the colon after the word "provided", and to insert a period and then to strike out the remainder of the section.

Mr. ADAMS. Will the Senator from New Mexico again indicate the location of his amendment.

Mr. HATCH. My amendment comes in on page 10, line 7. The Senator from Colorado is familiar with the proposal. By way of brief explanation of the amendment I will say that it was offered to the committee by the Senator from Montana [Mr. ERICKSON], but the committee rejected the amendment. Section 7, Mr. President, provides generally that lands which are chiefly valuable for agriculture may be so classified by the Secretary and may be thrown open to entry and settlement under the homestead laws. Those are the general provisions of that section, and under these provisions it is stated that lands which are chiefly valuable for agriculture may yet be subject to homestead entry. The section of the bill which provides that lands in a grazing district on the public domain shall automatically be withdrawn from settlement will not apply, but the Secretary of the Interior will have the right and the authority to classify the lands chiefly valuable for agriculture and permit their entry and settlement as such.

The proviso which my amendment seeks to strike out reads as follows:

Provided further, That no lands containing water holes, springs, or water supplies developed or improved by the holder of any grazing permit or his predecessor in interest shall be subject to classification, settlement, entry, or patent under the provisions of this section.

That proviso, in my opinion, Mr. President, entirely nullifies all the preceding language of the section. It does effectually withdraw all the public domain from homestead entry, for, with that proviso in the bill, lands where there are waters of any kind, whether streams, springs, or what not, which have even been improved by the holder of the permit may never become subject to entry and settlement under the homestead laws.

I do not object to all possible protection being given to the public domain and to the grazing districts and to the cattlemen and sheepmen; in fact, I strongly favor those industries; but, nevertheless, there are in my State some sections

which may be chiefly valuable for agricultural purposes and which should be open to settlement and homestead entry. Under this proviso, however, they can never be classified as valuable for agricultural purposes and therefore may never be open to settlement. Under the terms of this section generally the Secretary of the Interior has full power to protect the cattle and sheep industries and the grazing rights, because if the lands are not chiefly valuable for agricultural purposes he does not have to classify them as such. I am willing that that power shall remain in the Secretary under the bill as drawn, but I want the Secretary to have the power, Mr. President, when lands are chiefly valuable for agriculture to classify them as such, so that they may be homesteaded and patented as the public domain has been throughout the years.

As I have stated, the committee rejected the amendment. I shall not press the amendment further. I felt that the Senate should know what the provisions of this section were and that, with the proviso in the bill as it is now drawn, no lands can be ever homesteaded in the West, for if there is no water, a homestead entry will be of no avail and to no purpose.

TUGWELL-ROOSEVELT "COLLECTIVISM" VERSUS THE CONSTITUTION

Mr. SCHALL. Mr. President, have we come to the parting of the ways? Shall we abide by the Constitution and the principles which have brought us world leadership, or shall we embrace that scheme of Federal control, midway between socialism and communism, which the doctors call "collectivism"?

Mark Sullivan, in the New York Herald Tribune of June 6 sees in the confirmation of the appointee, Professor Tugwell, the "collectivist" and "new dealer no. 1", to a high Government office, as a "milestone" in the possible trend of America from historic principles. Said he:

> There can be no doubt that approval of Professor Tugwell by one of America's two great political parties will be a historic departure.

"Professor Tugwell's philosophy", says Sullivan, "is 'collectivism'." What "collectivism" means we may gather from the five-page sample of Tugwell's thesis published in the RECORD of June 8. It appears to mean a Federal "consultative body" endowed with power to regiment national industry, commerce, and consumption. For the existing order, Tugwell sees this picture:

> There may be a long and lingering death, but it must be regarded as inevitable.

He would set up in Washington a "consultative body" and a "planning body." This sounds not unlike Moscow. Tugwell would also reduce this national system to a "plan", possibly something on the pattern of the "5-year plan" of Soviet Russia, of which he speaks approvingly.

Nor would he lose much time about it. Says Tugwell:

> It seems altogether likely that we shall set up, and soon, such a consultative body.

In a footnote concerning the nature of the "consultative body", Tugwell quotes an authority:

> Mr. L. L. Lorwin distinguishes four possible types of these bodies, which he calls: (1) The absolute socialist type, (2) the partial State-socialist type, (3) the voluntary-business type, and (4) the social-progressive type.

Apparently, the A.A.A. and the N.R.A. are the temporary forms of what Tugwell aims to solidify into his permanent "plan" which relegates our present American civilization to a "long and lingering death."

The transition from the A.A.A. and N.R.A. to Tugwell's permanent plan seems to be indicated in the following sentence:

> The setting up of even an emasculated and ineffective central coordinating body in Washington will form a focus about which recognition may gradually gather.

Tugwell's phrase, "emasculated and ineffective", is prophetic as applied to the A.A.A. and N.R.A. administrations. Doubtless he aspires to the high office of Undersecretary so that he may hold together what General "Crackdown" Johnson seems bent on rending asunder.

The job before Tugwell, he admits, is no playboy's job, "for", says he, "we have a century and more of development to undo."

Evidently, therefore, Dr. Rexford Guy Tugwell is going to undo everything America has done as far back as President Andrew Jackson if not as far as Washington and Jefferson. He and General Johnson will take the place in American history once held by Jefferson and General Washington—at least in the hearts of the Senate majority who are about to crown the professor with an olive wreath, unless, of course, the patriotic, courageous Senators from South Carolina and Virginia substitute something else.

The method by which Dr. Tugwell would bring about the "long and lingering death" of the present order and substitute his "collectivist" social order is highly enlightening. He says:

> The first series of changes will have to do with statutes, with constitutions, and with government.

It is now understandable why Dr. Tugwell is known as "New Dealer No. 1." Here we seem to have the prophetic forecast of what has happened to us during the past year—the 57 alphabetical varieties of new bureaus and administrations, the suspension of the Constitution in order to pass two dozen acts transferring the powers of Congress to the White House, the suspension of the antitrust laws and civil service act, the creation of thousands of high-salaried offices outside of civil service and without approval of the Senate, and, finally, the demand of the President that his "emergency" powers be made permanent. All this is coming to pass in accord with the epistle of Tugwell.

The next step in the evolution of the Tugwellian Democracy that is to take the place of Jeffersonian Democracy is pictured by Tugwell thus:

> It will require the laying of rough, unholy hands on many a sacred precedent, doubtless calling on an enlarged and nationalized police power for enforcement.

The recent demand for an increased standing Army, the possible mobilization of the C.C.C. camps, the expansion of the Navy and air fleet, the seven new Federal criminal acts, and the assumption of dictatorial powers appear to dovetail with the gospel according to Tugwell. The prophet deserves his crown.

Tugwell's "enlarged and nationalized police power for enforcement" of his national planning aims to reduce, it is evident, the 48 States, the 3,000 counties, and the 130,000,000 population into obedient Federalist control—something after the plan of the districts and provinces under the central executive committee of the Union of Soviet Socialist Republics.

The people of the States are to be made to forget State sovereignty and accept the Federal dictatorship.

Undoubtedly he correctly says:

> There is no denying that the contemporary situation in the United States has explosive possibilities.

Even the suggestion of Tugwell has produced frequent outbreaks in this Senate Chamber, including the "blow up" of the patient country-loving Chairman of the Senate Committee on Agriculture, the Senator from South Carolina [Mr. SMITH].

Professor Tugwell is not oblivious of such outbreaks. Indeed, he seems to welcome them, for he says:

> Perhaps our statesmen will give way or be more or less gently removed from office; perhaps our constitutions and statutes will be revised * * *.

The vote which we take here within the next 48 hours may determine what "statesmen will give way" to Dr. Tugwell and his foreign doctrines and what statesmen prefer to defy the Tugwellian group to "more or less gently" remove them from the Senate Chamber and overthrow the Constitution.

Among the statesmen particularly concerned are, not only the 96 Senators of the 48 States and the 435 Members of the House, but the governors and attorney generals of the 48 States, together with the sheriffs and county boards of the 3,000 counties. It may indeed require "an enlarged and

nationalized police power for enforcement" of the Tugwell regime. The proposed expansion of the standing Army, even with the aid of the enlarged air force, may not be enough. The million in the C.C.C. forest reserves may not be enough, even if the boys were disposed to fight their own kith and kin to serve a "collectivist" new deal from Wall Street.

It is doubtful if the $10,000,000,000 of one or another kind of doles distributed during the past 15 months will buy enough fighting men to Russianize or Romanize the United States. The largesses distributed to banks, railways, utilities, and the high salaries of 57 kinds of Federal bureaus and administrations may vastly increase the number of generals and colonels, but may not stimulate the right kind of fighting men.

Brigadier General Johnson was not known to the country when he put over the draft in 1917. The country knows him now. In the steel strike now threatening, neither the workers nor the employers seem to be willing to have anything to do with Johnson. Nor does "Crackdown" Johnson appeal to the 10,000,000 farmers, nor to the townspeople, the small business shops, nor to the 130,000,000 consumers.

Nor is that all of the difficulty of an appeal to force. The women of the 40,000,000 homes will not rise to support "an enlarged and nationalized police power" that may mean civil war—a war of the centralized "collectivists" upon the commonwealths and homesteads.

What about the veterans of the World War and the sons of the veterans of other wars? Has there been anything in the attitude of this administration, anything in the attiture of the followers of the new deal to evoke patriotic support? Will the strong-arm tactics exhibited by the majority whip in this Chamber on measures for veteran relief inspire the veteran 4,000,000 to support a Federal police power and national force act?

Take the so-called "Economy Act" with its 25 percent cut in the relief pension of war-disabled veterans. Take the messages of the White House with relation to veteran relief. Take the President's speeches to veteran gatherings. Take the vote of the House and Senate in overriding the veto of the veteran act. Take the attitude of the veterans, their families and friends, in 48 States of this Union. These memories are too fresh in the minds of the country to warrant any possibility of a present or near-future veteran support for an imperialistic regime with an "enlarged and nationalized police power." Even starvation would not inspire the popular accord of a Nazist or Fascist movement. American youth cannot be brought to fight soon for any "collectivist" cult against the old homes and firesides.

This Tugwell idea of an "enlarged and nationalized police power" serves simply to produce one conviction, and that is, that he is unfit to hold a responsible public office, either as Under Secretary of the Department of Agriculture, or in any other position where he may foment domestic strife, poison the American mind with Old World false doctrine, and undermine the Constitution and the cause of American liberty.

Moreover, I see no good reason why there should be any such office as Under Secretary of the Department of Agriculture. The rider creating that superfluous office specially for him by will of the President, during a time when the Treasury is bankrupt with a deficit of four billions, appears, from the discussion in this Chamber, to have been sneaked through without the knowledge of the Senate Agricultural and Forestry Committee, which had charge of the bill. It seems that only one member of a large committee knew of the rider and its passage. That office was created by misunderstanding of the Senators handling it, and without the knowledge of the Senators most concerned—without debate and by subterfuge. That office is a fraud on the farmers of the United States, unasked for by agriculture, unasked for by any State in the Union or by any of the 300 farm organizations—a snake in the grass, a shame on Senate legislation, a treasonable rattlesnake that should be scotched by the Senate before it poisons the body politic.

The Senate committees having to do with this uncalled-for sinecure should take the necessary measures to rescind the vote creating the office or repeal that section of the bill.

That may be the best way of meeting this "collectivist" cult and delaying national recovery by the prospect of a fight on the Constitution and American institutions. That seems to be the speediest method of killing this proposal to lay "rough, unholy hands on sacred precedents", as threatened by Tugwell, and also put a quietus on his threat of "an enlarged and nationalized police power", which readily may precipitate the so-called "revolution", prospects of which his group seems to welcome.

We do not want Tugwell's "rationale", nor its "internationale." We are Americans and hold to that document which begins, "We the people of the United States." We do not wish any importations from an Old World which our fathers fled to set up a free government of their own. We are not going back to any raw deal, any slick deal, any old deal called "new deal", or Tugwell's "rationale." Let us abolish both the office and its emissary.

Let those who cast their lots with Tugwell and thereby make an "historic departure" from all we call American take the consequences of their action. Are you for the Constitution or the Tugwell "rationale"? Are you for the States or for the Tugwell-Moley "collectivism" and a "nationalized police power" to uphold a Russianized or Romanized dictatorship? Are your colors the Blue Eagle or the old Stars and Stripes? Are you for the N.R.A. or for the old U.S.A.?

Tugwell cites as his authorities for his "collectivist" cult about 40 authorities—substantially all foreign, such as Karl Marx, Hinrichs, Slichter, and the Soviets.

The "Gosplan" of which he speaks with such approval is that of the "State planning commission" of the Russian Soviets, the U.S.S.R.

Does the United States Senate propose to elevate Rexford Guy Tugwell to a post whereby he can impose the Russian "Gosplan" on the farmers of the United States?

Will Durant, in the Saturday Evening Post of June 9, reviews a recent German work by Spengler, who defines Communism as an "authoritative bureaucracy." How does that differ from the Tugwell plan, with its "central group" in Washington, and its "enlarged and nationalized police power for enforcement"?

Durant finally arrives at the following sound and rational view:

> We have listened to these alien mentors long enough; we have heard patiently the Fascists and the Communists, the Hitlers and the Stalins, the Spenglers and the Shaws; we perceive that they are all one—the dead fruit of a dying continent. Now let us renew ourselves at our own sources, drink again of Washington and Jefferson, of Franklin and Irving, of Lincoln and Whitman, of Emerson and Mark Twain. Our maturity cannot lie in the perfecting of another culture; it must grow from the development of our own, from the fulfillment of our own possibilities in our own way. There is only one thing that America needs today—though she needs it vitally—and that is to be completely herself.

Mr. President, the first step of the Senate in the direction of being completely itself is to recover the functions of the Senate that we have been weak enough to surrender to the White House. The next step is to put an end to the "emergency" powers of a dictatorship and thereby end the alleged "emergency." The obvious and ready-at-hand measure in that direction is to rescind the vote and repeal the rider which threatens the country with new mischief, and thereby scotch the Tugwell snake in its hole.

Thomas Jefferson looked upon free speech and a free press as so vital to the existence of a republic that he included them in article I of our American Bill of Rights.

Rexford Guy Tugwell recognizes free speech and a free press as evident sources of danger to his "national planning" control enforced by "an enlarged and nationalized police power." He has a phrase in his thesis which reads "unlikely to be allowed freedom of speech." Also, there is to be no venture of private enterprise, and no exemption from "compulsory social control." This implies no freedom of the press. The press is to come under "compulsory control" as under Nazist rule, Mussolini, and the Soviet.

Among the institutions to which Tugwell delegates a "long and lingering death" he doubtless looks upon article I of the American Bill of Rights as one of the first to take the

beheading block after a long strangling process by the N.R.A. press code, the Rayburn communications-control bill, and a general press and telegraphic censorship.

Secretary Wallace, to whom Tugwell is to be Under Secretary unless the Senate prevents, says "America must choose." This means that the Senate must choose. Shall we choose free speech and a free press under the American Bill of Rights, or shall we take the controlled press of a Hitler, Mussolini, Stalin, or Tugwell?

The Senate is about to make its choice. If we want American institutions to endure, we shall meet the issue now by voting out this new post of "collectivism" and its beneficiary and uphold the Constitution to which we have given our oaths of allegiance.

THE ALIBI OF TUGWELL

Mr. President, the alibi of Rexford Guy Tugwell, who seeks promotion to a $10,000 salary as Under Secretary of the Secretary of Agriculture, appears divisible, when cross-examined on what he meant by his thesis on "national planning", into the following parts:

First. In general, he did not mean what he said.

Second. In part, he meant the opposite of what he said.

Third. In part, he meant what he said, but the percentage thereof is small, and the particulars are hard to locate.

Fourth. That part of his suggestions which have been incorporated into the program of the new deal he meant all the time, but he is reticent in pointing them out.

Fifth. He is certain that he believes in anything, every "bold experiment" the administration pulls off. He believes in anything that will add $2,500 to his salary, plus the opportunity to try out his so-called "sociological" cult on the farmers.

It is obvious that no Senator, after reading Tugwell in his published statements and listening to him on the witness stand, will be able to arrive at any verdict as to the meaning or purpose of Tugwell and the value of his so-called "sociology" to the American farmer. No court would tolerate such a witness on the stand. No jury, in the face of such contradictory testimony, could agree on a verdict.

It is equally obvious that no such Under Secretary of Agriculture could be of any concrete, practical usefulness to the 10,000,000 dirt farmers of the United States. They need somebody who always means what he says, and always says something plain, simple, and direct about a concrete subject of which he has definite knowledge born of trained experience. Agriculture demands and already has experiment stations dealing in actual crops, livestock, and markets. It wants no "bold experiments" in "collectivism" by a self-styled philosopher who functions like a three-card monte sharp or a man who jumps upon a box with three shells and a pea and entertains the public with his cry: "Now you see it and now you don't. Who is the next gent?"

Anyone connected with the Department of Agriculture should be able to speak the American language and say what he means and mean what he says; and what he says should be useful—that is to say, a concrete, definite aid to the farmer, a plain way of helping farm production and marketing, lifting the mortgage and paying the taxes.

Tugwell's approach to farming indicates that he has got only as far as the Old World Machiavellian diplomat Talleyrand, who gave the world the following discoveries in sociology:

First. "Language is invented to conceal thought."

Second. "Society is divided into two classes, the shearers and the shorn. Be sure to stand with the former, and avoid the latter."

Beyond the teachings of Talleyrand, Tugwell does not appear, from what he has written and what he says on the witness stand, to have made any material progress. He is of no use to the farmer, and of no use to the country, except in the way of dangerous consequences, which he himself admits may be fraught with explosive possibilities.

ALIBI NO. 1—GENERAL DENIAL

The first alibi of Professor Tugwell is a general denial that he meant what he said in his national planning thesis published in the CONGRESSIONAL RECORD of June 8, last.

He now says that he does not favor the plan of the "central group in Washington" regimenting the industries, consumption, and prices of the country, as described in his 5,000-word exegesis before the American Economic Association, on the subject "The Principle of Planning and the Institution of Laissez Faire."

He did not mean it when he said:

> The interest of the liberals among us in the institutions of the new Russia of the Soviets, spreading gradually among puzzled business men, has created wide, popular interest in planning as a possible refuge from persistent insecurity * * *

He did not mean it, he says, when in the opening sentence of his paper before the American Economic Association, he starts out:

> There can be no secure peace in the world so long as its peoples are divided among absolute sovereignties.

He did not mean it, we are now led to presume, when he told the Association:

> We have, at once, illuminating public examples of successful planning, and a hidden development, on a vast scale, of techniques which ought to be brought into the open. But we have enough evidence to make it clear that no technical difficulty bars the way to national planning.

He asks us not to believe the evidence of our eyes when we read his defense of the Russian plan, as follows:

> Most of us ought not to have been quite so free in our predictions that the institutions of Soviet Russia would break down from a lack of motive.

He did not mean it when he wrote the following condemnation of the American business system:

> It ought rather to be a source of wonder that a society could operate at all when profits are allowed to be earned and disposed of as we do it.

Mr. President and gentlemen of the Senate, how can we place any confidence in a witness who in the same breath defends the Russian and condemns the American economic system, and does it in a calm and deliberate paper before a convention of economists, and now, when he is a candidate for increase of salary, turns about-face with a flat denial of his disinterested previous utterances? From Tugwell the candidate we must appeal to Tugwell the college professor. From Tugwell the job seeker we appeal to Tugwell the searcher for economic truth. From Tugwell the politician we appeal to Tugwell the teacher.

Did he tell the truth regarding his socialistic beliefs when he addressed the American Economic Association, or did he tell the truth when called before the Senate Committee on Agriculture and Forestry? Was he making false and evasive statements to the American Economic Association, or was he making false and evasive statements when cross-examined by Senators, and when he had a salary promotion at stake? That is the question for us to determine as the jury.

He told the association that "the liberals among us" are moved by the "institutions of the new Russia of the Soviets" to a "wide popular interest in planning."

He noted "illuminating public examples of successful planning."

He is convinced that "we have enough evidence to make it clear that no technical difficulty bars the way to national planning."

"Most of us", he told the association, "ought not to have been quite so free in our predictions that the institutions of Soviet Russia would break down."

What now, gentlemen of the Senate, are we to believe? Was he trying to fool the economists, or is he trying to fool us?

ALIBI NO. 2—HE MEANT THE OPPOSITE

He now tells us that he is not a radical; that he is a conservative. There is no "brain trust", he says, and therefore, I presume, no "bold experiments" concocted by them and sold to the President.

He is for the Constitution of the United States, and, I presume, for the constitutions of the 48 sovereign States. These constitutions reserve to the respective States the power over their own intrastate commerce, and the Constitution of the United States gives the Federal Government

authority over only interstate and foreign commerce. So, naturally, he believes in all that. He swears to support and uphold the Constitution, because otherwise he could not hold a Federal job. So when he talked about a "national planning", which would override State bounds, he meant the opposite of that.

When he laid before the American Economic Association, in as attractive a form as may be, the "illuminating public examples of successful planning" abroad, he was not a radical; he was a conservative. He believed in the American Constitution and in the Union of the "indestructible States."

Yet, note the views of his contemporaries and associates in the sociological and journalistic field. Note their respective reactions.

Says Ernest K. Lindley, sympathetic author of The Roosevelt Revolution:

Rexford G. Tugwell is the philosopher, the sociologist, and the prophet of the Roosevelt revolution, as well as one of the boldest practitioners; he has provided the movement with much of its rationale.

What does Lindley mean by "the movement"?

Listen to Mark Sullivan:

Professor Tugwell's philosophy is "collectivism."

Then Sullivan cites authorities, friends of Tugwell.

Is "collectivism" a conservative or a radical cult? Is it a development of the provisions of the United States Constitution, or is it subversive of the Constitution and of all the immunities thereof from compulsory social control?

Listen to Walter Lippmann, a supporter of Roosevelt:

Then there is a group, among whom Professor Tugwell is the most conspicuous, who may, I suppose, fairly be called "collectivist."

Mr. President, is it reasonably conceivable that Tugwell has been able to hoodwink his own friends and associates? Has he been fooling them into the belief that he is a radical, when, as he tells us, he has been all the time a conservative?

Listen to the work on The New Dealers:

When you reach Tugwell, you reach very close to the heart of the new deal.

Listen to Frank Kent, of the Democratic Baltimore Sun:

Dr. Tugwell is the irremovable part of the new deal.

Listen again to Mark Sullivan:

There can be no doubt that approval of Professor Tugwell by one of America's two great political parties will be a historic departure.

In other words, Tugwell's general denial, and his specific denials, in the light of his associates in the field of political writing, are absolutely worthless. They are an insult to any intelligent jury. He insults the United States Senate in order to gain a high office from which he can preach "collectivism" as a substitute for American institutions and the Constitution.

ALIBIS NOS. 3, 4, 5—TUGWELL'S ADMISSIONS

His first alibi of a general denial is ruined by his admissions. He admitted to the Senator from Virginia [Mr. BYRD], that he, Tugwell, still believes, as he held in his published thesis, that the ideal will be reached when "industry is government and government is industry." In that respect, he is an admitted socialist.

He ruins his general alibi when he admits his belief in the new-deal nostrums, though the latter as yet are only temporary expedients of an alleged "emergency." The courts permit them to stand, in violation of the Constitution, purely on the stated ground in the provisions of the respective acts that Congress has proclaimed an "emergency." Without such proclamation of "emergency", it is doubtful if the majority of these "bold experiments" would be countenanced in any court. When Tugwell states his belief in them per se, he admits himself a radical, and as holding doctrines repugnant to the Constitution.

These admissions demonstrate that the temporary regimentation of industry under the N.R.A. and the Blue Eagle, that the "national planning" of the A.A.A. in plowing under crops and slaughtering hogs and cows, and the one and sundry "bold experiments" of the 57 alphabetical varieties, are the entering wedges of Tugwell's "collectivism."

They check with his statement of the coming "movement", now called "new deal", when he told the American Economic Association:

The setting up of even an emasculated and ineffective central coordinating body in Washington will form a nucleus about which recognition may gradually gather.

That is precisely what has been developed during the past year pursuant to the outline of the so-called "revolution's prophet."

It is assumed by the wise men of the French police system, as by the police of Scotland Yard, that a well-laid alibi is the best evidence of guilt. It is the first clue. An innocent man prepares no alibi. A man equipped with an elaborate alibi has need of an alibi. He has a history to conceal. He must defend himself against the convictions produced by direct evidence. The lawyers of the Senate will have no difficulty in reading between the lines of the Tugwell alibi. Any layman can understand that Tugwell has a trail that requires many alibis, and Tugwell has them in plenty.

If he did not realize the consequences of what he was preaching, why did he tell the American Economic Association—

There is no denying that the contemporary situation in the United States has explosive possibilities.

Why did he continue with his picture by saying—

Perhaps our statesmen will give way or be more or less gently removed from duty; perhaps our constitutions and statutes will be revised.

What intelligent interpretation can be placed on his closing words to the American Economic Association—

Yet the new kind of order we have in prospect cannot function in our present economy. The contemporary situation is one in which all choices are hard; yet one of them has to be made.

What does he mean when he says "we have in prospect"? What does he mean when he says the hard choice "has to be made"?

What, finally, did he mean when he asserted—

There may be a long and lingering death, but it must be regarded as inevitable.

That is no idle statement from an economic teacher. It cannot be passed by as a "technical" or "scientific" remark. It is the threat of a fanatic against existing institutions—the prophet of a "new deal."

Mr. President, I ask that the clerk read the following resolution, and I ask Senators to note the names on the letterhead.

AMERICAN COALITION OF PATRIOTIC,
CIVIC AND FRATERNAL SOCIETIES,
Washington, D.C.

Whereas Dr. Rexford Guy Tugwell, who has been nominated for Under Secretary of Agriculture, is known to be a pronounced advocate of principles of government which are subversive and inimical to our system of constitutional government: Now, therefore, be it

Resolved, by the American Coalition, representing 94 patriotic, civic, and fraternal organizations throughout the United States, that we protest against his confirmation which would amount to an authorization by the Senate of continuance of this radical course and a ratification of his many utterances aimed at the destruction of our most cherished institutions.

THE EXECUTIVE COMMITTEE,
JOHN B. TREVOR, *President*.

JUNE 9, 1934.

Mr. President, before I close these remarks regarding the constitutional strength and secureness of the United States, I wish to mention that only today was I informed of the plan to commemorate the services of James Madison in the Madison Centennary on June 28 of this year. I understand that the chairman of the Madison memorial day is to be our courageous and distinguished colleague, the Senator from Virginia, HARRY FLOOD BYRD. I have learned that under his chairmanship, information regarding the Madison memorial day has been sent to all parts of the United States, and that each of the 48 States will be represented among those doing honor to the memory of the great Father of our Constitution, James Madison.

Among those approving of this affirmative response to services well performed for the country in great stress in the past history of the United States is a message from a distinguished son of Minnesota, Frank B. Kellogg, who says

that he believes the services of James Madison will not be forgotten in all the generations to come, not only for his distinguished services in establishing constitutional government, but also in leaving a record of the proceedings of that historic convention.

Mr. Kellogg went on to say that in times of national depression and great political upheaval the guarantees of the Constitution for a stable government and individual liberty and opportunity are of inestimable value. Then he stated:

It is under the guise of necessity in times of popular excitement that the Nation runs the greatest risks of lessening these constitutional guaranties.

This was foreseen by Madison and his contemporaries and guarded against by the greatest care and foresight in the Constitution itself.

Mr. President, I ask leave to print the following Tugwell questionnaire.

There being no objection, the questionnaire was ordered to be printed in the RECORD, as follows:

QUESTIONS AT HEARING OF DR. REXFORD GUY TUGWELL

By THOMAS D. SCHALL, United States Senator from Minnesota

CHAIRMAN OF SENATE COMMITTEE ON AGRICULTURE AND FORESTRY. In your hearing on the qualifications of Professor Tugwell for the office of Under Secretary of Agriculture, may I ask the courtesy of your committee to put to Mr. Tugwell the following questions and make them part of the record.

1. What is your experience or contact with agriculture?

2. As teacher and writer in economics and government you have been classed as a "collectivist"? Is that classification correct?

3. How does collectivism differ from socialism or communism? Can you cite examples? How does collectivism differ from the programs of Italy or Russia?

4. Please define the collectivist idea as you would apply it to the United States Government? Also, as applied to American agriculture?

5. In your thesis published in the CONGRESSIONAL RECORD of June 8, you advocate a national planning system, and appear to favor the plan of Soviet Russia. How does your national planning differ from that of Russia as applied to agriculture?

6. You are quoted as saying that your central group of experts charged with the duty of planning the country's economic life will be ineffective unless endowed with power. Is it your idea that a central group in Washington can govern the agriculture of the 48 States under the present Constitution?

7. You are quoted as saying that it seems altogether likely that we shall set up, and soon, such a consultative body. You then picture the existing order after the new social order becomes effective, in these words:

"There will be a long and lingering death, but it must be regarded as inevitable."

What is your interpretation of that statement, as applied, respectively, to the States, to the Constitution, to American agriculture, and to American liberty?

8. As Under Secretary of Agriculture would you deem it your opportunity and your public duty to put such national planning into effect and secure legislation, or Executive orders, with power so to do?

9. You are quoted as saying: "The first series of changes will have to do with statutes, with constitutions, and with government." Does this imply reconstruction of the "Union of indestructible States" and the substitution of a centralized control from Washington as from Moscow? Will the States be resolved into Federal cantons?

10. You are further quoted as saying: "and it will require the laying of rough, unholy hands on many a sacred precedent, doubtless calling on an enlarged and nationalized police power for enforcement." Is it your idea to employ force to override State and county bounds in order to put into effect your ideas of national planning?

11. Does this imply the expansion of the Army and air forces, the employment of the C.C.C. encampments, and the organization of a national police to control the 48 States and 3,000 counties—after some such policing plan as that enforced by the central executive committee of the U.S.S.R.?

12. Do you look upon your function as Under Secretary of Agriculture as akin to that of the commissar for agriculture in the U.S.S.R.? Does the status of the agricultural peasantry of Russia appeal to you as the ideal national planning for the farmers of the United States?

13. As Under Secretary of Agriculture would it be your plan to direct the acreage of each crop planted, the size of the flocks and herds, the methods of crop raising and stock breeding, the marketing and price making; in short, treat the agriculture of 48 States as a Federal institution, instead of 10,000,000 farms run by as many free and independent farmers?

14. What becomes of the status of the respective 48 sovereign States, in the light of your statements, as follows:

(a) "* * * consequently the States are wholly ineffective instruments for control"?

(b) "* * * planning will necessarily become a function of the Federal Government"?

Is your enlarged and nationalized police power for enforcement depended upon to reduce the States to a proper obedience?

15. Had you in mind the future status of the States when you announced, "There may be a long and lingering death, but it must be regarded as inevitable"?

16. You object to free competition as involving conflict. Do you foresee no conflict in your plan to use an enlarged and nationalized police power for enforcement upon the 130,000,000 people of 48 States and 3,000 counties?

17. What do you mean when you say: "There is no denying that the contemporary situation in the United States has explosive possibilities"?

18. Had you in mind the Congress of the United States and the Governors of the States when you said:

"Perhaps our statesmen will give way or be more or less gently removed from duty; perhaps our constitutions and statutes will be revised * * *."?

19. Do you take exception to the classification credited to Walter Lippman and Mark Sullivan, that "Professor Tugwell's philosophy is collectivism"?

20. Do you take exception to the characterization given you by Ernest K. Lindley, sympathetic author of "The Roosevelt Revolution", when he says: "Rexford G. Tugwell is the philosopher, the sociologist, and the prophet of the Roosevelt revolution, as well as one of its boldest practitioners; he has provided the movement with much of its rationale"?

21. Can you conscientiously take official oath that you will support and uphold the Constitution of the United States, with its guaranties of peace, justice, liberty, and the rights of the sovereign States?

22. Would not your national planning enforced by a nationalized police power better qualify you for Under Secretary of the Commissar of Agriculture in the U.S.S.R. than in the United States as organized under the present Constitution?

23. Does your national planning include a controlled press? Is the press to be subjected to your "miracle of discipline" as you term it?

24. Among the phrases in your published thesis are these: (1) no "freedom of venture"; (2) no "exemption from compulsory social control"; (3) "unlikely to be allowed freedom of speech." Among the institutions that are to suffer a long and lingering death do you include article I of the American Bill of Rights, guaranteeing freedom of speech and a free press?

25. Is it your idea that in producing the miracle of discipline you will have to follow the examples of Hitler, Mussolini, and Stalin in press and telegraphic and radio censorship, as a supplement to the enlarged and nationalized police power?

26. Do you recognize the recent press code, the communications control bill, and the control of banks that finance the publisher and meet his pay rolls—do you recognize these measures as in line with the plan of a controlled press?

27. When you say constitutions may have to be revised—referring doubtless to the Constitution of the United States and the State constitutions—would you eliminate the guarantee of a free press?

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who announced that the President had approved and signed the following acts:

On June 9, 1934:

S. 3380. An act providing for the appointment of Richmond Pearson Hobson, formerly a captain in the United States Navy, as a rear admiral in the Navy, and his retirement in that grade.

On June 11, 1934:

S. 85. An act for the relief of Paul J. Sisk;

S. 176. An act for the relief of Harry Harsin;

S. 256. An act for the relief of Milburn Knapp;

S. 512. An act for the relief of Peter Pierre;

S. 620. An act for the relief of Catherine Wright;

S. 1077. An act for the relief of Lueco R. Gooch;

S. 1430. An act for the relief of M. Thomas Petroy;

S. 1460. An act for the relief of Edgar Stivers;

S. 1516. An act for the relief of Michael Bello;

S. 1772. An act for the relief of the Western Montana Clinic, Missoula, Mont.;

S. 2023. An act for the relief of Claudia L. Polski;

S. 2377. An act for the relief of A. E. Shelley;

S. 2636. An act for the relief of James Slevin;

S. 2790. An act for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.;

S. 2889. An act for the relief of certain Indians of the Fort Peck Reservation, Mont.;

S. 2973. An act for the relief of First Lt. Walter T. Wilsey;

S. 2980. An act to modify the effect of certain Chippewa Indian treaties on areas in Minnesota; and

S. 3540. An act to amend section 32 of the Emergency Farm Mortgage Act of 1933.

On June 12, 1934:

S. 1780. An act to provide for the discontinuance of the use as dwellings of buildings situated in alleys in the District of Columbia, and for the replatting and development of squares containing inhabited alleys in the interest of public health, comfort, morals, safety, and welfare, and for other purposes; and

S. 3170. An act to revise air-mail laws and to establish a commission to make a report to the Congress recommending an aviation policy.

REGULATION OF PUBLIC GRAZING LANDS

The Senate resumed the consideration of the bill (H.R. 6462) to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes.

Mr. ADAMS. Mr. President, the amendment of the Senator from New Mexico [Mr. HATCH] really raises a rather fundamental question involved in the bill. He states that the wording of the bill as it stands would nullify the homestead law. The amendment which he proposes, I am afraid, would nullify the grazing bill which we are seeking to pass.

Grazing areas are absolutely without value unless there is drinking water for the cattle and sheep which graze upon the areas. A vast grazing district may be laid out with two or three small sources of water, springs or water holes, adequate for stock, but inadequate for irrigation purposes, sources which have been found inadequate as demonstrated by the fact that homesteaders have not located them.

The bill as it stands provides that the Secretary of the Interior shall not permit the location of homesteads taking in these water holes or springs upon which the grazing area depends, but imposes a still further limitation, that such water holes and springs, in order to be excepted from the homestead provisions, must have been developed or improved by the holder of the grazing permit. In other words, if a man with a grazing permit goes upon the land covered within the district and develops a source of drinking water for his cattle, this measure as it now stands provides that some homesteader, or someone under the guise of a homesteader, may not come in and locate about this water hole a homestead, thereby, in substance, drying up the whole grazing area.

It seems to me absolutely essential, if we are to maintain grazing districts, that the water upon which the grazing districts depend must be protected against those who would go in, locate a little water hole, and thereby exclude those who have grazing permits.

I would emphasize the fact that the only water holes which are excepted from homesteads are those which have been developed or improved by the man who holds the permit, and the amendment would permit someone to come in who had not developed, who had not improved, and take advantage of the situation, and, in substance, exclude the permittee.

Mr. HATCH. Mr. President, the Senator from Colorado is exactly correct when he speaks of the value of water in the Western States so far as the cattle and the sheep are concerned. I think I am exactly correct when I speak of the value of water to human beings who may try to homestead land in that arid region.

It is not, as the Senator from Colorado has said, for the purpose of nullification of the bill that the amendment is proposed. The section of the bill to which the amendment is directed would give the Secretary of the Interior authority and power to classify and open to public settlement such lands as may be chiefly valuable for agricultural purposes.

This land is not thrown open automatically to settlement. On the contrary, the bill would withdraw all the land from entry and settlement, and would only permit homestead entry in those cases and on those lands where the Secretary had opened the land to settlement.

If the Senator from Colorado can imagine a case where the Secretary of the Interior would open to public settlement a small area of 40 or 60 acres because it had one little water hole on it, if that is the sort of administration the bill is to receive, then the measure should be defeated now.

But, Mr. President, the bill will not be administered in that fashion; and this is simply an effort to give to section 7 some purport and meaning. I dislike the type of legislation which holds out to anyone the hope that he may go out into the West and take up some land and build a home. That is what the first part of section 7 does. It says that lands chiefly valuable for agriculture may be thrown open to settlement, and leads me and the people of my State to believe that we may yet encourage settlement of those lands, and that they may some day pass into private ownership. I know, however, and every other western Senator knows, that if the language dealing with all land upon which there is water, which has been developed, which has been improved by the permittee, shall remain in the bill there will be no settlement and no homestead entry of such land.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. O'MAHONEY. The Senator is aware, of course, that this bill applies to less than one-half of the remaining public domain.

Mr. HATCH. I am aware of that.

Mr. O'MAHONEY. So that homesteading may continue without any obstacle in more than one-half of the remaining public domain, regardless of this bill.

Mr. HATCH. It makes no difference how much is left. If lands which are chiefly valuable for agricultural purposes are not to be permitted to be homesteaded, then this section has no meaning, and that is the effect of the proviso in the bill.

Mr. O'MAHONEY. Mr. President, will the Senator further yield?

Mr. HATCH. I yield.

Mr. O'MAHONEY. Does the Senator construe the bill to provide that there may be no more homesteading unless the Secretary classifies the land?

Mr. HATCH. I am speaking now as to the lands embraced in the bill. Of course I do not refer to the lands which are not covered by the terms of the bill, to which the Senator from Wyoming refers. I am speaking now as to the lands covered in the bill.

Mr. President, I submit that the amendment should be adopted and that there will be no injurious result to anyone, for if the land is not chiefly valuable for agriculture the Secretary will not open it to settlement. If it is chiefly valuable for agriculture it should be open to settlement. As to the other language in the bill, if this amendment shall be defeated I will offer another immediately afterward.

Mr. ERICKSON. Mr. President, I am in full accord with the amendment under discussion. If section 7 shall remain as it now is in the bill, it simply will not mean anything.

The first part of the section provides that the right of homestead may be continued, giving the Secretary of the Interior the right to classify these lands. Then it provides that no land with any water on it shall be included in this classification and be open to homestead.

It is true, as has been said here, that either these public lands must be dedicated entirely to the stock interests, and the homesteads eliminated, or else this section cannot stand.

It seems to me the time has not yet come when we should say to the homeseeker, the man with the family, the man without a home, that he no longer has any right to the public domain for a home. We should not forget that the public lands in this great country in the early days were dedicated to the homeseeker and the homebuilder, and upon the public lands millions of prosperous homes have been located. Now we are asked to say in this day, when there are millions of homeless, that if there remain any portions

of the public land which are suitable for homesteads, the right to make homes there shall be denied.

It seems to me, Mr. President, that either this amendment should be adopted, or else the entire section should be stricken from the bill. Let us not pretend that by this bill we are holding forth to the homeless the right to homestead, because we are not doing it. When one is denied a piece of land because there is a spring on it, or a little stream, or a water hole, he is simply denied a privilege that was intended to go with this great public domain of ours. If it is the purpose to sound the final death knell to the homestead, if we are to have no more homes located on the public domain, very well; let this section remain as it is, without amendment.

I admit that perhaps there is not very much of the public domain now left which is suitable for homes. Yet I know there are some portions of it, there are some places where a homesteader might dam up a coulee, develop his spring, have a garden, have milch cows, and have irrigation plants, if he were permitted to do so.

I think the amendment ought to be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Mexico [Mr. HATCH].

The amendment was agreed to.

Mr. McCARRAN. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 6, line 19, immediately after the period, it is proposed to insert a semicolon and the following:

Except that no renewal of any such permit shall be denied, if such denial will impair the value of the livestock unit of the permittee, if such unit is pledged as security for any bona fide loan.

Mr. McCARRAN. Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER. This is an amendment to an amendment of the committee, heretofore agreed to. Without objection, the vote by which the committee amendment was agreed to will be reconsidered. The question is on the amendment offered by the Senator from Navada to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. McCARRAN. Mr. President, I send to the desk another amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert, at the proper place, the following:

SEC. 16. Nothing in this act shall be construed as restricting the respective States from enforcing any and all statutes enacted for police regulation, nor shall the police power of the respective States be, by this bill, impaired or restricted, and all laws heretofore enacted by the respective States or any thereof, or that may hereafter be enacted as regards public health or public welfare, shall at all times be in full force and effect.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nevada [Mr. McCARRAN].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still open to amendment.

If there be no further amendment to be proposed the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

RAILROAD EMPLOYEES' RETIREMENT SYSTEM

Mr. DILL. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 3231) to provide a retirement system for railroad employees, to provide unemployment relief, and for other purposes.

The PRESIDING OFFICER (Mr. LONERGAN in the chair). The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the Senate proceeded to the consideration of the bill (S. 3231) to provide a retirement system for railroad employees, to provide unemployment relief, and for other purposes, which had been reported from the Committee on Interstate Commerce with an amendment.

Mr. DILL. Mr. President, the bill as now before the Senate is in the form of an amendment to the bill originally introduced by the Senator from West Virginia [Mr. HATFIELD] and the Senator from New York [Mr. WAGNER], being an amendment reported by the Committee on Interstate Commerce to strike out all after the enacting clause and insert.

It is the result of some 2 or 3 years of effort and negotiation on the part of those who have been interested in a pension system for railway employees. As Senators may remember, at the last session there were two bills introduced providing for a pension system for railway employees. One bill was sponsored by the executives of the railroad organization and the other by a band of independent employees. Hearings were held by the Senate Committee on Interstate Commerce through a subcommittee, but no agreement could be reached. At this session another subcommittee was appointed, hearings were held, negotiations were conducted for some weeks between the two disagreeing factions, and finally the bill was agreed upon as now reported by the Committee on Interstate Commerce in its amended form.

I shall not attempt to describe the bill in any detail, as the Senator from West Virginia [Mr. HATFIELD] and the Senator from New York [Mr. WAGNER] are better informed than I am with reference to it.

Mr. HATFIELD. Mr. President, as the able Senator from Washington [Mr. DILL] has just stated, the bill now before the Senate is the outcome of consideration and negotiations relating to a bill which has been before the Committee on Interstate Commerce for the past 2 years. Extensive hearings were held. Two bills were before the committee. Finally the Senator from New York [Mr. WAGNER] and I collaborated on the two bills, taking what was good from both, and reporting a new bill. The bill was introduced in the Senate and referred to the Committee on Interstate Commerce, where another subcommittee was appointed for further consideration of the proposed legislation. The bill before us at the present moment represents the efforts of at least two subcommittees, to say nothing of the labors of individual Senators.

Mr. President, this bill, while specifically designed to provide a retirement fund for railroad workers, is one of the few legislative measures which will make possible the employment of the many thousands of railroad workers furloughed or laid off during the depression. In fact, Mr. President, I am advised that the enactment of this measure will provide work opportunities for more than 100,000 unemployed railroad workers within a reasonable period of time. The bill proposes a single unified railroad retirement system for all railroad employees which can immediately be put into practical operation.

Mr. President, it is absolutely essential that I have the attention of Senators, for the reason that the subject which I propose to discuss is a technical one, one largely understood only by actuaries—men who have given their entire lives to the subject matter.

The steps taken are:

First. The President is to appoint a board of three members to administer the act. For this purpose the President will obtain, in such manner as he may choose, the recommendation of the employees and the carriers.

Second. The board is authorized to require that the carriers make advances against future payments as necessary to put the act into operation.

Third. Beginning the first day of the second month after the bill becomes a law, designated in the bill the effective date, the employees and the carriers begin making contributions, which are deducted from the employees' wages and paid quarterly or as the board may otherwise direct into the Treasury of the United States.

I may say that no expense is to be incurred by the Government of the United States. The entire fund is made up by the railway employees and by the railway companies. On the basis of present total wages of $1,500,000,000 in round figures, the amount to be paid in during the first 6 months by employees will be $15,000,000, and by the railroads $30,000,000, or a total of $45,000,000. This will be on hand before any pension payments are to be made.

Fourth. Pension payments are to be made monthly and are to begin at the end of 6 months from the effective date. The report submitted with the bill estimates for the first year of operation total pension payments paid in excess of $50,000,000. This would require a total monthly payment of $4,167,000 to meet which there will be available the accumulated $45,000,000, with a continuing income of $7,500,000 per month. There will accordingly be ample funds available for the current payment of pensions.

Fifth. The actuaries' estimates show that the 2 percent paid by employees on the wages, with twice that amount paid by the carriers currently, will more than provide for all pension payments and expenses during the first 4-year experience period, and undoubtedly will be more than sufficient for a much longer time. These figures are based on a 2-percent payment by employees on their compensation. The bill contemplates the accumulation of an excess fund for contingencies, but the board may in its discretion adjust the payments by the employees and carriers to the amounts required.

Sixth. The first 4 years of operation is intended to accumulate experience and data upon which the Congress can make such modifications in the system as in the light of experience may be found necessary or desirable.

COST IN TOTAL PENSION PAYMENTS

While the board is authorized to require one-third from the employees and two-thirds from the carriers, such combined payments as are necessary to provide the current pension payments, it is certain that during the earlier years the 2 percent of the employees' wages used as a basis, with the corresponding carrier contribution, will more than provide for all pension payments and leave a substantial margin.

The total cost in pension payments during the first full year of operation is estimated at possibly $50,000,000 or not to exceed $60,000,000.

These estimates are based on the testimony of Mr. Eddy, chairman pension committee, Standard Railroad Labor Executives, that the total first-year retirements will not exceed 50,000 employees, which, on the basis of an average pension of $83.33 a month, or $1,000 a year, will require a total of $50,000,000.

Mr. President, I am satisfied that is absolutely correct. I recall that some 20 years ago, when the Legislature of the State of West Virginia undertook to enact a compensation law it was found there were no industrial statistics upon which to base a rate, and it was necessary for the legislature to go elsewhere to secure statistics. They took the German method of regulation for the establishment of an adequate compensation system for the State of West Virginia. That was in the year 1913.

The purpose of the bill for the first 4 years would be an experimental one, so that data may be developed, and statistics and records prepared which will result in the board being able, at the conclusion of that time, to report to the Congress or to its appropriate committee what will be necessary in the way of amendments to secure a continuation of the principle, which I believe is a most humane one.

RETIREMENTS WILL BE FAR BELOW MAXIMUM

The testimony of Dr. Charles E. Brooke, actuary for the Railroad Employees National Pension Association, shows that out of the approximately 1,250,000 employees in 1932 there would be 75,000 who could retire at the age of 65 and over in 1934. However, the retirement is optional to the extent that the employee under an agreement with the carrier made from year to year may continue in the service but not beyond the age of 70 years.

In other words, 65 years is the age for retirement, but by a joint agreement between the employer and the employee an additional 5 years may be agreed upon. As the number in the group who are 70 years of age and over is only about 25,000, it is obvious that a large part of the 75,000 would not be required to retire immediately, and probably would not do so.

There is in the bill a provision permitting the retirement of those who are under the age of 65 years after 30 years of service. This would increase the maximum possible immediate retirements by about 40,000, to about 115,000. The probability that these additional 40,000 employees would retire immediately is very remote, and is greatly diminished by the fact that the pension is reduced by 4 percent of the wage for each year the employee is less than 65 years of age at the time of retirement.

To illustrate, an employee who would be entitled to receive a pension of 60 percent after 30 years of service at the age of 65 years would receive only a pension of 40 percent on retiring at the age of 60, or only a pension of 20 percent on retiring at the age of 55 years.

It is obvious that there will be few retirements at these younger ages on such small pensions, especially as the employee can obtain a materially increased pension by continuing a few years more in the service.

PENSION COSTS REASONABLE

From the foregoing it is fair to assume that the number of retirements during the first year of operation may be about 50,000, and will not exceed 60,000. In other words, about half as many will be retired during the first full year of operation as could possibly be retired if all elected to do so who are at or above age 60.

It is therefore obvious from all the figures submitted at the hearings that even if the number actually retiring immediately greatly exceeds one-half of those who could do so as estimated at the hearings, the actual requirements for pension payments during the first year will be less than $50,000,000, and during the earlier years, extending well beyond the 4-year preliminary-experience period, will be well within the payment of $60,000,000 annually to be provided by the carriers and $30,000,000 annually to be provided by the employees on the 2-percent basis.

Mr. President, I think the railway employees of this land have been very considerate, very enthusiastic in their attitude in going along with the employer to make up this fund, and I think they are entitled to a great deal of commendation for this attitude.

The figures for the possible maximum pension payments, in case all who can do so retire immediately, have been given by the actuaries at the hearings. It should be kept in mind that because the actual retirements have been estimated at about one-half of the possible maximum, the actual pension payments will be reduced somewhat proportionately from the maximum figures given by the actuaries.

DR. BROOKS' MAXIMUM FIGURES

The figures furnished by Dr. Brooks show in detail a total possible maximum of $87,500,000 pension payments during the first full year of making pension payments. This assumes that all the 115,000 employees entitled to do so who are 60 years of age or over would retire immediately.

Dr. Brooks' figures further show total possible maximum pension payments of $61,000,000 for the first year, assuming that the 75,000 employees who are 65 years of age and over retire immediately, and that there are no retirements below age 65.

In either case there will be a gradual increase in the figures from year to year arising from current retirements in excess of the deaths, and amounting to approximately $7,000,000 per year in the earlier years. This would bring the possible maximum pension payments the fourth year to $117,500,000 in the first case, assuming that all entitled to

do so immediately retire at age 60 and over, and to $91,000,000 in the second case, assuming immediate retirements by all entitled to do so at age 65 and over, and no retirements below that age.

As these maximum pension payments can in no event be reached, and the probabilities are that during the earlier years the number of retirements will be in the neighborhood of one-half the possible maximum, it is probable that the total pension requirements during the first 4 or 5 years of operation will range between one-half and two-thirds of the amounts above mentioned.

It is necessary to allow a wide range, because of the absolute impossibility of determining in advance the extent to which employees, who have an option with regard to retiring or continuing in the service, will take advantage of the opportunity to enter upon a pension before the retirement becomes compulsory.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Maine?

Mr. HATFIELD. I do.

Mr. WHITE. Has the Senator any figures which would throw light on the cost of this system above the amounts which the railroads are now paying in retirement pensions?

Mr. HATFIELD. The evidence given before the committee at the hearings on the bill was that the railways throughout the country combined were contributing to a voluntary pension fund, developed by the railway companies themselves, something around $34,000,000 a year.

Under this bill there will be paid into the new system $60,000,000 a year by the carriers.

This bill will relieve the railroads of great burdens from future pensions, which would have to be granted in continuing their present systems. The current payments of pensions under these present systems will rapidly decline, and the $60,000,000 payment will therefore absorb a large part of what may remain of the annual payments under present systems.

ACTUARY BREIBY'S MAXIMUM FIGURES

Actuary Breiby, testifying for the railroad carriers, stated that over a period of 27 years, from 1934 to 1961, on the basis of estimated total operating revenues of $160,000,000,000, out of which $77,000,000,000 would be paid in employee compensation, the total pension cost would be $5,800,000,000. As the bill provides that one-third is to be paid by the employees, the remaining two-thirds, or $3,900,000,000, to be paid by the railroad carriers will be less than 2½ percent of the operating revenues for the 27 years.

Mr. FESS. Mr. President——

The PRESIDING OFFICER (Mr. LONERGAN in the chair). Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. HATFIELD. I yield.

Mr. FESS. Does the Senator recall what proportion of the railroads are now using the pension system?

Mr. HATFIELD. I do not recall exactly, but it is a very large percentage, but I understand that railways employing 90 percent of the employees now have such pension systems.

Mr. FESS. What proportion of all the railroad transportation would be classified as class 1?

Mr. HATFIELD. More than 90 percent.

Mr. FESS. I do not recall the figures, but does the Senator recollect the basis of the cost of the present system? Under the proposed system, would a larger percentage be paid by the railroads?

Mr. HATFIELD. It is, of course, obvious that their percentage will be less as the employees are to pay one-third the cost under this bill.

Mr. HEBERT. Mr. President, will the Senator yield to me?

Mr. HATFIELD. I am glad to yield to the Senator from Rhode Island.

Mr. HEBERT. I notice from the report accompanying the bill that it is stated that there is some form of retirement pension plan covering 90 percent of the entire mileage.

Mr. HATFIELD. That is as I recall it.

Mr. President, in response to the suggestion of the Senator from Oregon [Mr. MCNARY], I should be very glad, if it is agreeable, to finish my statement in the morning, leaving the bill the unfinished business, with the understanding that I may be recognized when the Senate convenes. It will take me but a short time to complete the statement.

Mr. DILL. Mr. President, I think the Senator should finish his statement. He is in the midst of it. I hope he will conclude this evening.

Mr. HATFIELD. I am agreeable to proceeding now.

The PRESIDING OFFICER. The clerk informs the Chair that the calendar will be in order when the Senate shall convene tomorrow.

Mr. CLARK. Mr. President, there is no opposition to the pending bill, and I think it should be disposed of tonight.

Mr. DILL. Let the Senator from West Virginia conclude his address.

Mr. HATFIELD. I am perfectly agreeable to finishing this evening.

Mr. MCNARY. Mr. President, I suggest that we conclude the session at this time. It is nearly half past 5; Senators are tired, and would like to go home, and we can proceed with the bill tomorrow. There are many on this side and on the other side who should be here when the matter is being so thoroughly discussed.

Mr. HATFIELD. I have only a little more to say.

Mr. COUZENS. I hope there is no understanding that the bill is to be laid aside tomorrow morning.

Mr. MCNARY. There is none, except that it is to be laid aside from 11 to 1, so that we may consider the calendar. That has been agreed to.

Mr. COUZENS. This is a very important measure, and time is getting short. I should like to see the consideration of the bill concluded tonight, rather than have it delayed tomorrow by being laid aside while we take 2 hours on the calendar.

Mr. MCNARY. It would be impossible to finish it tonight.

Mr. DILL. My thought was that the Senator from West Virginia might finish his speech, and that we could then lay the bill aside.

Mr. HATFIELD. It is not a speech; it is an explanatory statement.

Mr. DILL. I think it ought to be finished.

Mr. ROBINSON of Arkansas. Mr. President, I think I ought to explain that there is no limitation in the agreement that was entered into, in the time for the consideration of unobjected bills on the calendar tomorrow. The object of the agreement that was entered into was, and my request was, to provide for completing the call of the calendar of unobjected bills. This is probably the last opportunity that will be afforded during the present session. I do not anticipate, however, that it will require more than 2 or 3 hours at most. But I think the Senator from West Virginia should be permitted to conclude his speech this afternoon. I do not think it will be possible to dispose of the bill tonight.

Mr. MCNARY. I am perfectly willing that we should proceed, with the understanding that the Senate will take a recess at the conclusion of the remarks of the Senator from West Virginia.

Mr. WAGNER. Mr. President, may I make an inquiry of the Senator from Oregon?

Mr. MCNARY. Certainly.

Mr. WAGNER. Does the Senator know of any addresses to be delivered in opposition to the proposed legislation?

Mr. MCNARY. I am not aware of any, but I do know that some Senators have amendments they desire to offer to the bill.

Mr. ROBINSON of Arkansas. I wish to state that I am sure that it is not practicable to complete the consideration of the bill this afternoon. I myself am anxious to facilitate its passage as much as possible, but I understand the circumstances to which the Senator from Oregon refers impliedly, and I think that when the Senator from West Virginia shall conclude his remarks, we should hold a brief executive session, and then take a recess.

Mr. WAGNER. Mr. President, may I ask the Senator from Arkansas whether it would be possible tonight to reach an agreement as to the time tomorrow when we may vote upon the bill?

Mr. ROBINSON of Arkansas. I do not believe that is either necessary or practicable.

Mr. WAGNER. The Senator believes we can finish the consideration of the bill tomorrow?

Mr. ROBINSON of Arkansas. I think it will require only some 2 or 3 hours to complete the consideration of the bill, from what I know, and that we may remain in session tomorrow until it shall be disposed of. There is, however, an Executive nomination on the calendar, reported today by the Committee on Agriculture and Forestry, which I expect to ask the Senate to proceed with some time tomorrow.

Mr. WAGNER. I thank the Senator very much.

Mr. HATFIELD. Mr. President, it should be noted that the estimates of possible pension payments made by Actuary Breiby in testifying for the carriers assumed, among other differences, retirements down to age 55 and a materially higher basic wage, and are in excess of the estimates made by Actuaries Charles E. Brooks and Henry R. Corbett in testifying for the employee organizations.

It is recognized by all that the larger requirements for pension payments would not arise during the earlier years, and that many years must elapse before there will be need for payment of 2½ percent by the employees on their compensation. As heretofore indicated, it is clear that payments on the basis of 2 percent by the employees on their compensation will be more than sufficient for many years to come even if there shall be no increase in total compensation paid to employees.

Even on the basis of such higher basic wage, the cost figures during the first 4 or 5 years of operation are well within the payments into the fund which would be made on the basis of 2 percent of the employees' wage.

The 2-percent-basis payment on minimum aggregate wages of $1,500,000,000 would provide a payment into the fund by the employees of $30,000,000, and $60,000,000 by the carriers, or a total of $90,000,000 a year.

The total wage payments are now materially less than one-half of what these payments were in different years prior to 1929. As the total wage payments again increase, the percentages required to provide for the pensions will be proportionately decreased. There will be no proportionate increase in pension payments, in that for years to come the pension payments will arise almost wholly out of service before the taking effect of the act.

PROPORTIONATE PENSION COST SMALL

There surely can be little question as to the ability of the carriers to stand an immediate expense of $40,000,000 or even $60,000,000, with the employees ready to pay half as much more to provide for the retirement of aged employees on a satisfactory permanent plan.

At the most, except as to the possible increased number of immediate retirements, the proposed pension cost is little or no more than the carriers already have in prospect under their existing plans, if these are to be continued in operation. In other words, the cost of the voluntary pension plans as these are now carried on by the railroad companies will greatly increase as the years go by.

Mr. HEBERT. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. HEBERT. I have not examined the bill carefully, though I propose to do so. Is there a provision to increase the rate of contribution both by the railroads and by the employees?

Mr. HATFIELD. The rates of contribution are subject to adjustment from time to time by the board.

Mr. HEBERT. The reason why I made that inquiry is this: The entire contribution now is based upon a wage of $1,500,000,000 a year, and the contribution provided in the bill, as I understand, will yield $60,000,000 a year.

Mr. HATFIELD. I may say to the Senator that that is what it will yield on the side of the carriers, and an additional $30,000,000 from the employees.

Mr. HEBERT. Yes; which I understand is estimated to be sufficient to take care of these pensions. Suppose the wage is reduced to $1,000,000,000, the pension fund will be reduced by one-third. Will that be sufficient to take care of the pension payments?

Mr. HATFIELD. The fund will always be sufficient under the authority of the Board to adjust the contributions from time to time; however, Congress is in session every year, and what the Senator suggests will be a contingency with which Congress may deal, in case such a condition should develop, just as a State legislature would deal with a problem of that nature, in case of a deficiency in the operation of the compensation law.

Mr. DILL. Mr. President, will the Senator yield to me for the purpose of making a suggestion?

Mr. HATFIELD. I yield.

Mr. DILL. There are two things which might occur. For one thing, the Board would have the power to vary the rate.

Mr. HEBERT. That is the question I asked; whether the Board would have that power.

Mr. DILL. Yes; the Board would have that power. The idea is that as the rate of wages decreases the rate of new pensions will decrease.

Mr. HEBERT. It is not so much a question of decrease in the rate of wage as it is a decrease in the total payment of wages.

Mr. DILL. But the Board has the power to vary the rate, anyway.

Mr. HEBERT. That is the question I have in mind.

Mr. COSTIGAN. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. COSTIGAN. Is it fair to assume that the general approval of this measure expressed here this afternoon is fortified by actuarial standards and tests, as well as by the careful scrutiny and approval of the Hon. Joseph B. Eastman, Coordinator of Transportation?

Mr. HATFIELD. The rates and the costs, I will say to the Senator, have been approved by outstanding actuarial authorities such as Dr. Brooks, who formerly was connected with Northwestern University at Evanston, Ill., and the University of California at Berkeley, and also with the War Risk Insurance and the Carnegie Teachers Insurance and Annuity Association and has for years been engaged in pension work. Mr. Corbett, an actuary who represented the 21 brotherhoods, whose place of business is located in the city of Chicago also approved the estimates, Mr. Breiby, actuary for the railroads, whose business location is in the city of New York, thought possibly it would cost more. I discussed the conclusions of Mr. Breiby just a few moments ago, and I am quite sure the Senator remembers my statement of Mr. Breiby's position.

I do not think, Mr. President, there is any question but what this is a sound, stable basis upon which to predicate this fund, and in my judgment it will carry, and carry well. Instead of the fund falling off, it will increase as business increases, and as we come back to normal.

Their pension and relief payments—that is, the railroad companies—already amount to $34,000,000 a year. Even if the new pension payments for the first year and some years to follow might in large part be in addition to payments under present plans, a total carrier payment of $50,000,000 or even $60,000,000 amounts to less than 2 percent upon the present very low operating revenue of between $3,000,000,000 and $3,500,000,000.

As is shown by the testimony, the aggregate reports of the carriers for the early months of the present year show a material improvement in the operating revenues and in the margin between the operating revenues and operating expenses. It should also be noted that in these difficult times the carriers were able to charge off for depreciation in equipment alone in 1932, $190,000,000, against which a proposed carrier pension cost, in 1935, of $60,000,000 for human depreciation is a very modest sum.

The bill recognizes the necessity and desirability of taking over and combining existing systems now in operation, and authority is given to the Board to make arrangements for this purpose and to relieve any carrier from its obligations and to assume such obligations under such conditions as may be agreed upon.

It is, however, provided that the burdens to be assumed by the system shall not be in excess of those otherwise assumed in compliance with the provisions of the proposed act.

A further option is given to the Board to provide that all former employees of all carriers who, prior to the effective date, have become separated from the Service at the age of 70 years or over may be given the benefits of the act.

Until such arrangements or decisions are made by the Board, the existing pension systems of the railroads will not be affected as to pensions already being paid. However, it may be assumed that as all employees in or connected with the service on the taking effect of the act will come under the act, pensions will not thereafter be paid under existing railway pension systems to such employees as come under the act.

The amended bill, as reported by the committee, differs from the original Senate bill 3231 in the following respects:

Section 1: (a) In defining the term "carrier", the words "or the Interstate Commerce Act" are omitted, to make it clear that this does not include carriers other than those subject to the Railway Labor Act.

(b) The definition of the term "employee" is simplified by omitting the reference to a specific date. The inclusion of representatives of employee organizations has been revised to conform to the new section 7 of the amendment. In the same connection, the reference to an "employee organization" has been omitted in the other definitions and other parts of the amendment, and a new definition under (k), "Voluntary Contribution", is included, having reference only to representatives of employee organizations.

(f) The term "service period" is defined more specifically in the amendment.

(g) In the definition of the term "retirement" there have been added the words "with the right to receive an annuity."

Section 2: This section is in part section 9, and is now introduced by a statement of the purpose of the act. The preliminary experience period in the old section 9 is changed from 10 years to require the making within 4 years of a special report on changes to insure the adequacy and permanency of the system.

Section 3: This is former section 2, with a change in the definition of the "monthly compensation" to be the average of the monthly compensation except for service before the effective date, when it is to be the average of the monthly compensation for any 12 consecutive months selected by the employee. There is a further change which retains 60 percent of the compensation as the maximum pension, but permits an increase of the maximum to not exceeding 75 percent after 30 years from the taking effect of the act.

There is also added to the new section 3 a provision for the payment of a death benefit equal to the net accumulation from the employee payments less any annuity payments.

Section 4: Section 4 of the old bill, providing for disability benefits, is omitted.

Section 4 of the amendment is the same as section 3 of the original bill, except that the reference to an "executive position" is changed to an "official position" in the exception from the compulsory retirement provision.

Section 5 of the amendment omits the provision in the former section 5 for additional percentage payments and the accumulations to the individual employee, and the application of such accumulations to provide annuities and death benefits. The new section 5 provides for an employee contribution of a percentage of his compensation which, until otherwise fixed by the Board, is to be 2 percent. The carrier contribution is made twice the employee contribution. In determining the contribution percentage, the Board is required to provide for annuities, other disbursements, and expenses, with a reasonable margin for contingencies.

Section 6 is the same as the original section 6, with an additional provision giving the Board, at its option, in lieu of the other provisions of the section, the right to extend the provisions of the act to all former employees of carriers 70 years of age or over.

Section 7 of the amendment is new and provides that an employee representative of an employee organization may, at his option, continue or become a beneficiary, subject to specified conditions, by paying the combined contributions of an employee and a carrier.

Section 8 is the former section 7 rewritten to provide specifically for a separate "railroad retirement fund" in the United States Treasury.

Section 9 is the same as section 8 except that the first part has been rewritten, changing the number of members of the board from 3 to 5, and the initial terms to 2, 3, and 4 years, with regular terms of 5 years.

Section 10, relating to court jurisdiction, is unchanged.

Section 11 is changed by striking out the words "credit" and "disability."

Section 12, penalizing the carrier for delay in payment, is the same as former section 12.

Section 13, providing general penalties, is the same as former section 13, inserting the words "willfully" and "knowingly."

Section 14 is the same as former section 14.

In further reply to the able Senator from Colorado [Mr. COSTIGAN] respecting the Administrator of Railroads, Mr. Eastman, I will say that Mr. Eastman appeared before our committee and made some suggestions in the way of amendments. He also stated to the committee, Mr. President, that he was not ready at this time to recommend that the Congress pass this measure, but I understand that Mr. Eastman is arriving at some definite conclusion with the railway employees who are interested in this legislation as to the kind of legislation which he would approve, and he has suggested some amendments which have been incorporated in this bill. I understand that there has been a joint meeting between the representatives of Mr. Eastman's office and the representatives of the railway employees and that they have come to some agreement as a result of which it is hoped that Mr. Eastman will favor this legislation.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. DAVIS. I wish to say that all the railroad brotherhoods and railroad organizations and workers are for the pending bill.

Mr. HATFIELD. One hundred percent, Mr. President. They are enthusiastically for it. I take it that the Senator from Pennsylvania has received telegrams and has had visits to his office which compel him to arrive at the conclusion at which I have arrived, that the railroad employees throughout this country are very strongly for this legislation.

In conclusion, Mr. President, I desire to state some convictions which I have of my own, based upon 25 years of public life.

The dissatisfaction of employees so often found in the industry of our country, in my judgment, is due to their anxiety about the future. They are painfully aware of the fact that their wages do not permit them to save for the inevitable rainy day which eventually comes with old age. They are told that profit sharing is inequitable for the reason that they do not share losses, and that other methods are just as impractical. So my conviction, after considerable study of the problem, is that the best way to secure the peace and contentment of the workingman is by means of a mutual pension system such as is provided for in the Hatfield-Wagner bill, S. 3231, which will provide for those who have given the best part of their lives to the service of the railroad industry.

I have long entertained the conviction that the railways of this country should pay pensions to their worn-out

employees, just as industry in 44 of the States and the District of Columbia is required to pay compensation for disabilities arising in industries. The problem can be met by accumulating a fund, based on sound actuarial principles, to pay pensions to those who, in the sunset of their life, are no longer able to render the efficient service they so willingly gave to the industry in their earlier years.

Under our taxing- and rate-regulating laws the railways are permitted to take into consideration a depreciation of the physical structure of their industry, not only for the purposes of taxation, but also in the matter of rate making. Why should we not give the same consideration to depreciation of the investment of the railways and of the workers in the human equation.

This same idea, if developed for every basic industry in America, would go a long way in stabilizing our economic well-being, and it would serve to bring about a harmonious union between labor and capital. It would establish an amicable understanding that would eliminate misery, distress, and discontentment. The sad experiences of the past, such as disastrous labor disputes, would seldom occur for the reason that the toiler would feel that employers were showing an interest in the workers' welfare which has not been shown in most cases in past years.

His interest, therefore, would be like the investment of the individuals who furnished the capital that makes possible the founding, operation, and development of the industry.

Workingmen are the essential part of every industry and greater care and consideration should be shown to them than is given to the machinery and other physical equipment. The life, strength, and skill of the worker should not be used with the thought that later when he becomes a broken old man he will be cast away like a rotten tie or some other essential physical part of the industry that has disintegrated by constant wear, year after year.

These principles should all be based on reasonableness. They must be based upon equity and justice, and the impossible must not be demanded.

Much has been accomplished through the passing years in the interest of the workingman. His hours of labor have been shortened. There was a time when 14 and even 16 hours was demanded of him as an average workday. Then a reduction to 10 hours a day was decreed by many industries, and later the 8-hour day was established in most of the large industries throughout the land. At the present time some plants have shortened the work day to 6 hours.

The average wage earned by laboring men in 1860 was approximately $285 a year. The average wage in 1932 was approximately $1,000 a year.

My sympathy has always been with the toilers, as I fully understand it is they who developed and it is they who must support whatever civilization and progress we are to enjoy in the future.

Mr. President, I think there is no question that the enactment of this legislation will bring to the million railway employees of the land greater satisfaction than any act which has been considered by the Congress up to this time or that may be considered by any succeeding Congress, unless it be upon a subject which will provide for the employees of all industry of the land setting aside a certain amount of their daily, weekly, monthly, or annual earnings, together with a contribution from the industries which employ them, which will finally result in the accumulation of a nest egg to which they can look for protection, for housing, for clothing, and for food, when that time comes that they can no longer earn a living by the sweat of their brow.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Minnesota?

Mr. HATFIELD. I yield.

Mr. SHIPSTEAD. Can men who are not now working get the benefits of the system; I refer to men who had been in the railroad service for 15 or 20 years, but cannot now get any work and have had no work for 2 or 3 years?

Mr. HATFIELD. They can get the benefits if they have some continuing employment relationship with the railroads. That is as far as we can go. They will also get the benefits of their former service if reinstated. Better than that, the retirement of some 50,000 of men who are 65 years of age or more, or who have worked for a longer period than 30 years, will create vacancies for the reemployment of many of those men, and they will be recalled to the positions which they occupied previous to the time the depression came on, or before their connection was severed because of the increased efficiency of machinery which has been adopted by industry.

Mr. SHIPSTEAD. Is retirement compulsory after 30 years?

Mr. HATFIELD. No; retirement is compulsory after age 65, but the period of employment may be extended for 5 years to age 70 by mutual agreement between the employer and the employee. Retirement on a reduced pension is optional with the employee after 30 years of service.

MONOCACY BATTLEFIELD NATIONAL MILITARY PARK

Mr. WAGNER. Mr. President, from the Committtee on Public Lands and Surveys, I report back favorably without amendment the bill (H.R. 7982) to establish a national military park at the battlefield of Monocacy, Md., and I submit a report (No. 1403) thereon.

Mr. TYDINGS. Mr. President, the bill which has just been reported by the Senator from New York is a bill for which I desire to ask immediate consideration. We are very anxious that the ceremony in connection with the dedication of the military park may occur in connection with and as a part of the Maryland tercentenary exercises. Therefore, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. McNARY. Mr. President, I have discussed this matter with the junior Senator from Maryland [Mr. GOLDSBOROUGH]. I think the two Maryland Senators are cooperating in the matter. I have no objection.

Mr. ROBINSON of Arkansas. Mr. President, I hope the bill may be considered and passed.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the bill (H.R. 7982) to establish a national military park in the battlefield of Monocacy, Md., was considered, ordered to a third reading, read the third time, and passed.

"WHY REPORTERS LIKE ROOSEVELT"—ARTICLE BY RAYMOND CLAPPER

Mr. ROBINSON of Arkansas. Mr. President, I ask that there may lie on the table and be printed in the RECORD an article published in the Review of Reviews and World's Work for June 1934, from the pen of Mr. Raymond Clapper, entitled "Why Reporters Like Roosevelt."

There being no objection, the article was ordered to lie on the table and to be printed in the RECORD, as follows:

[From the Review of Reviews and World's Work of June 1934]

WHY REPORTERS LIKE ROOSEVELT

By Raymond Clapper

Newspaper reporters at Washington are hard and exacting critics, particularly of Presidents. It is not that they are born cynics. Your cub reporter begins his career fairly bursting with ideals. There is a touch of Don Quixote in him. Otherwise he would go to work at something which might, if he were lucky, make him rich. It is only after years of disillusionment that these trusting souls become hardened. In response to the laws of evolution they gradually acquire that fishy eye which gives the newspaper man the reputation of being a suspicious, doubting fellow, who thinks not very highly of his fellow man.

They get that way even around the White House. Have they not time and again heard a President profess ignorance about a matter when they knew he had discussed it at length with several advisers? They have heard a President say he did not know what man he would appoint to a Cabinet post, and have gone out of the Executive office to learn that the nomination already was speeding toward the Senate. They are inclined to judge a President not in the more majestic moments when the scarlet-coated Marine Band is playing "Hail to the Chief", but in his more human role, when he is in his working clothes wrestling with the details of the greatest executive and political job on earth.

So their judgments, as they talk in the pressroom, are of the man and not the office. They are as frank, as coolly detached, as if the subject on the dissecting table were the chief of police.

President Wilson they seldom saw. In general they were inclined to regard him as a great man scarred somewhat with egotism and petulance. He was a rather remote, Olympian figure even to newspaper men. Harding, on the other hand, was known by most newspaper men from his Senate days. He was liked as a good fellow and a well-meaning man, though many correspondents felt that he was not equal to the demands of the office. Coolidge they at first regarded as a joke. Then they found him amusing. Finally they came to regard him as a shrewd politician with plenty of Yankee common sense; not the great wise man that his legend made him, but smart enough to ride his tide and scramble to shore at the right time.

Hoover was regarded as a poor politician. Many newspaper men had predicted he would make an able President because of his career as an administrator. But most of them came to have doubts about almost everything he did. A man could scarcely be wrong as consistently as most Washington newspaper men thought Hoover was. He was a victim of the times, in part, but personal relations between him and the newspaper corps became so strained that he went out of office generally unpopular with them.

So it seemed as though no President would be able to please the critical fourth estate, and certainly a good many did not expect that Mr. Roosevelt would be able to. An accurate reflection of the state of mind among the Washington correspondents who were awaiting the arrival of the new President is recorded in a dispatch to Editor and Publisher from its Washington representative, carried in the issue of March 4, 1933, the very day Mr. Roosevelt took office. This dispatch, after reporting the Roosevelt plans for franker press relations, added: "In fairness to both Mr. Roosevelt and the press, however, it must be recorded that the new deal in press relations is hoped for rather than actually expected by the correspondents."

Mr. Roosevelt came on to Washington. The correspondents saw him and were conquered. He won them and he has still a larger proportion of them personally sympathetic than any of his recent predecessors. The percentage of dissenters grows slowly with time. But it is still small, relatively. He has the reporters more with him than their publishers are. It is the reverse of the line-up under Coolidge, when the publishers were generally supporting him and their correspondents at Washington had their tongues in their cheeks. Newspaper men in Washington are increasingly dubious about many of the policies of the Roosevelt administration, but this has reacted almost none at all on his own popularity with them. It is impossible to give accurate statistics, but the situation may be roughly suggested by saying that if the reporters are 60 percent for the new deal they are close to 90 percent for Mr. Roosevelt, personally.

Almost everyone regards him as an exceptionally skillful politician, with a sure instinct for the right note and, equally important, for accurate timing. When a group of Democrats in Congress, with more zeal than judgment, decided to parade to the railroad station with a brass band and welcome him back from his Florida vacation—an unprecedented thing, made somewhat ridiculous by the fact that the groveling legislators had overridden his veterans' veto and otherwise broken out of bounds when he went away—Mr. Roosevelt extricated himself by a little speech in which he good-humoredly showered the delegation with rhetorical razzberries.

Newspapermen are constantly amazed at his knowledge of administrative detail, as revealed in his off-hand answers to their questions at press conferences. Above all, they like his good-humored and smiling spirit, the mark of a man at peace with himself and at ease in his job. Occasionally there is a feeling that he is a little too blithe and casual—as when he annulled the air-mail contracts suddenly without a more thorough check with the Army before turning the task over to the Air Corps. The Chief of Staff, Gen. Douglas MacArthur, first heard that the Army would have to carry the mails when newspaper men raced across the street from the White House with the news. It had been discussed with some of his subordinates a short time before the announcement was made. That action and the much-debated spanking of Colonel Lindbergh are about the only two incidents in which Mr. Roosevelt's political judgment has been seriously questioned among Washington newspapermen—that is, as to technique, not as to the intrinsic merit of the policies involved.

In the judgment of this writer, there are at least five elements in this unusual popularity which President Rosevelt enjoys in the most critical circle at Washington.

First, the personal contacts between Mr. Roosevelt and the press are pleasant. He is on extremely intimate terms with the newspapermen who are regularly assigned full time to the White House. They are family guests at Sunday night suppers. On vacations and when he is traveling they are practically members of the family. He calls them all by their first names, knows their little jokes; and when one of them appears in the morning with a hangover, he is apt to ask for details. They play water polo with him. He has few secrets from them and often will discuss with them the most confidential policies in detail long before any publication is permitted.

Then for the vast group of correspondents who are not regularly assigned at the White House but who attend the semi-weekly press conferences, he also is pleasant. He is patient in answering their questions, never loses his temper, ducks delicate inquiries not by scowling in disapproval but with a wisecrack. Some of the best bon mots which circulate in Washington originate from the highest authority.

The second element in his popularity is that he never sends the reporters away empty-handed. They are always sure of plenty of news from Mr. Roosevelt's press conference. Usually a new President draws a large attendance. Then, as one conference after another produces no news, the reporters come to consider the regular White House interview a waste of time and attendance dwindles to a handful. But in this administration the number seems to grow rather than diminish. So reporters, thinking back upon past Presidents who were grumpy and had no news, are ready to cheer for one who can give them several laughs and a couple of top-head dispatches in a 20-minute visit.

At his first press conference Mr. Roosevelt announced abolition of the written question and said he would rather have the reporters shoot at him orally. Many doubted whether he could keep this up. The written question was adopted after Warren Harding almost upset the Washington Arms Conference by the wrong answer to a newspaper man's question about the Pacific four-power pact. He had to issue a written statement acknowledging his error. It was so humiliating that Mr. Harding decided that all questions thereafter should be submitted in writing, so that he might have time to ponder each query and confer with advisers if necessary to be sure of the correct answer. The same system was continued under Mr. Coolidge and Mr. Hoover. But toward the end of the Hoover administration fewer and fewer of these written questions were answered. Reporters practically quit offering them, and during the last 6 months of that administration the press conferences were held only at rare intervals.

Mr. Roosevelt threw the press conference wide open. No questions are barred. In the average session 20 or 30 questions will be asked—about Japan, war debts, the housing program, silver, tariff, liquor, whether a Cabinet officer is about to resign, literally any subject that pops up in a reporter's fertile mind. Sometimes the President will merely smile and say, "I will consider that question was not asked." More often he will duck by saying, "Let's wait until the next conference on that; maybe I'll be able to talk to you then." Or he will reply, "I don't know a thing about that, Fred; I wonder if you have it confused with something else which I will describe in this way." Answering another question, he will say, "I can give you a good tip on that if you don't say that I said it." Or he will explain a complicated question in great detail as a guide to the reporters. Again he will discuss a situation on the understanding that nothing will be printed at all—his purpose being to give the reporter a glimpse into the Presidential mind so that he will not jump to erroneous conclusions.

But most of the time what President Roosevelt says can be outlined as coming from him, though actual quotation marks are not to be used unless specifically authorized—the purpose here being to assume full responsibility for what is said but not for the exact language uttered offhand.

The system is accepted as fair to the President, to the press, and to the public; and no serious violations of confidence or other complications have resulted. Over more than a year it has been demonstrated that the President can talk to 200 men twice a week as frankly as he chooses, with complete assurance that what he says will be reported accurately and his confidences protected.

This open-door policy has been instituted throughout the Government departments generally. Cabinet officers and emergency executives like General Johnson and Harry Hopkins talk freely and endeavor to keep news writers fully and accurately informed. Performance is not 100 percent. General Johnson has of late been seeing the press only at long intervals. But, on the whole, the White House example is followed throughout the Government, and it is recognized that this is due largely to the President's desire that it should be that way.

In addition there is the elaborate set-up of Government publicity representatives or press contact men. Beginning with Stephen T. Early at the White House and running through practically every department and agency of the Government, these press contact men function to aid reporters. All of them are former newspapermen and most have records as excellent reporters. While they are sometimes inclined to put the best foot forward, they are energetic in assisting newspapermen. They will dig out information and arrange for a reporter to see the top man or any other official. They serve as ready-reference contacts for routine inquiries and in that way are timesavers. Though not above a little propagandizing now and then, for the most part they cultivate good will by rendering service. They have had enough experience in the newspaper business to know that a little propaganda goes a long way and that it is apt to curdle good will among reporters, and in the long run do more damage than good.

All this leaves most newspapermen with a feeling that the administration from President Roosevelt down has little to conceal and is willing to do business with the doors open. This makes the newspaperman's work infinitely easier and more effective; and since he remembers how hard the going was under some previous administrations he likes the new deal much better.

Third in the writer's list of reasons for the personal popularity of the President among newspapermen is their admiration for his political craftsmanship. This is the same sort of respect that accrues to a star in any activity. It is like the admiration for Babe Ruth, for Man o' War, for a skillful surgeon, a great artist, in short, for a man who knows how to do his stuff. After having seen the ball fumbled so often at the White House, reporters found themselves wide-eyed with astonishment at a man who could close

every bank in the country and call it a "holiday", who pocketed the dangerous greenback drive during his first 3 months in office by inducing Congress to give him discretionary power to issue paper money which in his discretion he refused to issue, who was always ready with a new rabbit to pull out of the hat when the audience began to grow restless.

Similarly they note his skill in beating the critics of C.W.A. to the draw by disclosing its failure first and his art of restraint in not overdoing his powerful radio appeals. All of this expertness has added to his reputation among newspapermen as a political craftsman.

Fourth, and much more fundamental, is a belief in his sincerity, his courage, his willingness to experiment. Often skill in politics connotes lack of sincerity. In Roosevelt it is regarded by his indulgent critics as technique, a method of reaching an end. To those who have heard him time after time discuss his objectives, there is little doubt that he is seeking to move—as his campaign speeches indicated—toward a civilization in which the fruits of industry will be more equitably distributed among the people. Much of what he said during his campaign for the Presidency sounded like the usual pre-election hokum, but his actions since inauguration have convinced most newspapermen that he is shooting for the goals to which he pointed.

Though many newspapermen do not agree with those objectives, almost all of them respect the courage which he displays in striving for them. This is especially so because politicians are notoriously timid. A man who is able, without batting an eye, to launch N.R.A., A.A.A., a $3,300,000,000 Public Works program, the Civilian Conservation Corps program, slam the banks shut, go off the gold standard, revalue the dollar, take on every sort of discretionary power instead of trying to shoulder off on Congress a share of the responsibility, was bound to register with a corps of newspapermen who were weary of trimmers, pussyfooters, and people who had not given them a new idea to write about since the World War. Al Smith was the newspaperman's hero in his day because of his courage and his sincerity. Those traits, so rare in politics, are certain to go a long way whenever newspapermen size up a public figure. This does not mean that a man has to be a fanatic or a blind zealot. Newspapermen know enough of practical politics to realize that the man who wants to get his ideas into operation must use political machinery for his purposes. Wilson lost because he neglected this. A large number of instances could be mentioned in which holders of lesser office came to grief in the same way.

Fifth, and last among our reasons, Mr. Roosevelt rode into office on a plea for the "forgotten man", and newspaper reporters are inclined to consider themselves among under-dog men. This ingredient in Mr. Roosevelt's popularity clicks with many Washington reporters just as it does with other toilers. Newspapermen are inclined to have an idealistic streak. In their work they see much sham and injustice. They see many getting away with much at the expense of others. So they are exceptionally susceptible to the appeal of the man who champions the under dog—provided he is sincere. For this reason the man most respected in Congress probably is Senator GEORGE NORRIS. The same was true of the late Senator La Follette.

During the formulation of the newspaper code many reporters were among themselves derisive of the fight which their employers made over the freedom of the press. They regarded it as a red herring thrown across the trail by publishers who wished to escape higher wages and shorter hours for their editorial forces under N.R.A. Scarcely any working newspapermen in Washington seriously thought that the administration was bent on limiting the freedom of the press. They regarded the whole issue as a cloud of dust raised to screen the fight against child-labor restrictions and other N.R.A. regulations. Many reporters thought that General Johnson made a tactical error and played into the hands of the publishers by resisting a freedom-of-the-press declaration, and thereby gave an appearance of color to the very contention of the publishers. They liked better President Roosevelt's method of accepting the freedom-of-the-press section with the remark that it was just like copying a clause of the Constitution into the code, but that if it made anybody feel better to repeat what the Constitution guaranteed, no harm could come from doing it.

As employees the Washington newspapermen have an emotional interest in the new deal, for they have rent to pay, babies to feed, groceries to buy, and they see all around them men of inferior ability making a more comfortable living. They are not so much interested in shorter hours, because most newspapermen work with little regard for the clock. They would like greater reward for the thought, the energy, the loyalty, and the complete absorption which they give to their work.

Furthermore, most of them are college-educated. They have studied and read enough, and heard enough in Senate investigations, to convince them that there are many grave abuses that need to be cleaned out. They believe Mr. Roosevelt is set on cleaning them out. So this portion of the newspaper corps is for him because of subjective reasons.

That, in general, is about the way the boys in the pressroom feel about it, and why.

ADDRESS BY POSTMASTER GENERAL AT DEDICATION OF NEW POST OFFICE DEPARTMENT BUILDING

Mr. O'MAHONEY. Mr. President, I present an address delivered by Hon. James A. Farley, the Postmaster General, upon the occasion of the dedication of the new Post Office Department Building, at Washington, D.C., on Monday, June 11, 1934, which I ask may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Chairman, Members of Congress, distinguished guests, fellow Government workers, ladies, and gentlemen, we are assembled today to dedicate the new home and headquarters of the United States Post Office Department. It was just 134 years ago today—on June 11, 1800—that the Department first opened its doors in the city of Washington. We are happy to have you join with us in the dedication of this magnificent building, a building worthy of our great Republic.

Those of us in the Post Office Department are particularly honored to have on our dedication program Senator KEY PITTMAN, of Nevada, President pro tempore of the United States Senate; Speaker HENRY T. RAINEY, of Illinois, of the House of Representatives; Senator KENNETH MCKELLAR, Chairman of the Senate Committee on Post Offices and Post Roads; and Congressman JAMES M. MEAD, Chairman of the House Committee on the Post Office and Post Roads.

Upon this occasion I take the opportunity to acknowledge the splendid services which Senator MCKELLAR and Congressman MEAD have rendered the Post Office Department and the Postal Service of the United States.

We are also honored to have on this program Mr. Everett Marshall, the famous baritone, whose presence here has been made possible through the courtesy of Loew's Theaters.

Two noted bishops, Bishop William F. McDowell, of the Methodist Episcopal Church, and Bishop James H. Ryan, rector of the Catholic University of America, have, by their presence and participation, added a special distinction to the dedication exercises.

We are also grateful for the participation of the United States Marine Band, the Columbia Mixed Quartet, and Mr. Earl Carbauh, the well-known baritone soloist.

Words can but inadequately express the gratitude we feel toward those whose foresight developed this wonderful Capital City, founded by the immortal Washington himself, and bearing his honored name. Our generation is doing its part in carrying out the plans of making it the most beautiful of cities—a city which, we believe, will remain sacred to his memory and his ideals until time shall be no more.

But we must remember that outward ceremonials and the words we speak on such an occasion as this are but as sounding brass if they do not spring warm from the heart and reecho the profound sentiments of patriotism and devotion which lie too deep for words.

They are as nothing if we do not translate them into actions. When our career is over let it be truly said that we faithfully endeavored to serve the best interests of our country.

The story of the Post Office Department is the story of the development of the trade and commerce and the social and spiritual life of our country.

It is well on such an occasion to let our minds revert to our simple beginnings and learn again the lessons of wise frugality, devotion to duty, and the persevering faith of those whose work has culminated in the great postal establishment we have today.

Post offices may trace their beginnings to the early English taverns where horse relays were made by the King's messengers. When people began to leave their letters at the relay stations for delivery by the post riders, that part of the tavern devoted to their care became the post office, and the tavern keeper became the postmaster.

Elder Brewster kept such a tavern and was postmaster at Scrooby, England, before he led the Puritan migration into Holland, and afterward, in 1620, to Plymouth, Mass., in the *Mayflower*.

The development of the Postal Service in America to the time of the Revolution was of a slow but steady growth, which was greatly accelerated when Benjamin Franklin become postmaster at Philadelphia in 1737, with the additional authority to supervise the several other post offices. A historian in the 1750's stated that the headquarters of the Postal Service in North America was designated as New York in 1710, by that "by connivance the Postmaster General resides anywhere, at present in Virginia." The central offices of the postal establishment have been moved many times.

In 1753 the Service was divided, with headquarters in Charleston, S.C., and Philadelphia, Pa. This continued until the Revolution.

On July 26, 1775, the Continental Congress unanimously chose Franklin as Postmaster General and designated his headquarters as Philadelphia. It is believed that he used his home at the corner of Second and Race Streets for his office as Postmaster General. His salary was $1,000 a year with an allowance of $340 for a secretary. It is probable his son-in-law, Richard Bache, who succeeded him November 7, 1776, retained the same headquarters.

Ebenezer Hazard, the last Postmaster General under the Continental Congress, and who succeeded Bache on January 28, 1782, was a former assistant to Franklin. He established the headquarters of the Post Office Department at New York, where he had been postmaster.

Postmaster General Osgood, the first Postmaster General under the Constitution, had his headquarters in a room in connection

with the city post office in New York, then located in what was officially described as "the uppermost of two houses on Broadway opposite Beaver Street."

During the latter part of his administration, late in 1790, the Department moved to Philadelphia and headquarters were established on the east side of Water Street a few doors below High Street.

Mr. Osgood's successor, Timothy Pickering, wrote Alexander Hamilton that he had found a house in Philadelphia that would accommodate his family and give him office room. He said he would need the same force as his predecessor, namely, an assistant and a clerk. He stated also that for the two rooms for the Post Office Department and a cellar for wood, and including janitor service, he might make a charge of $300 a year.

Hamilton, as Secretary of the Treasury, approved and wrote him there was nothing in his proposal "but what appears consistent with the interests of the United States." This place was located at the northeast corner of Fifth and Chestnut Streets.

As nearly as can be determined, it was from here the Post Office Department moved to Washington, arriving May 30, 1800, with its force of nine people, including the Postmaster General.

Abraham Bradley, First Assistant Postmaster General, wrote on June 11, 1800, just 134 years ago today, that he had not been able to open the office until that date. He expressed the opinion that Washington would probably become the greatest city in America.

The Post Office Department was first established at the corner of Ninth and E Streets NW., in what Mr. Bradley described as a large 3-story house which would accommodate the Post Office Department offices, his family, and the post office.

Some time in 1801 it was moved to what was then known as "the Southwest Executive Office" on Seventeenth Street, between F and G. This building of 25 rooms was occupied by the Post Office, War, Navy, and State Departments.

In 1810 the Post Office Department and post office were again moved to the north side of E Street, between Seventh and Eighth, to a building known as "Blodgett's Hotel." It was burned in 1836 with a loss of many departmental records.

In the emergency Postmaster General Kendall rented Fullers Hotel, now the site of the Willard.

A new Post Office Department building was then erected at Seventh and E Streets, which still stands. This building, a beautiful specimen of white marble architecture, was occupied by the Post Office Department from 1841 until 1899. It was begun in 1839 and completed portions were occupied in 1841. It was completed wholly in 1859 at a cost of $2,150,000.

The Post Office Department building from which we moved within the last few days was acquired under an act of Congress approved June 25, 1890. The building was started in February of 1892 and occupied in November 1899. The structure cost $2,585,835, and the ground $655,490.77. The smooth finish given the granite above the mezzanine floor cost $229,000 extra, making a total of nearly $3,500,000.

It has served its purpose well and it was with natural feelings of regret that it was vacated by us, especially those who associate it with cherished friendships and pleasant memories accumulated through the years.

The building we dedicate today, the latest of the many homes of the Post Office Department, was erected under acts of Congress approved May 25, 1926, and July 3, 1930. The land cost $2,500,872 and the building costs were $686,000 for the foundation and $7,642,000 for the building itself, a total of $10,828,872.

Ground was broken November 10, 1931, and the cornerstone laid September 26, 1932.

The architects and contractors have completed their tasks in a most creditable manner. This structure will long remain a monument to their ability. We must not overlook the important part which the mechanics and laborers played in the erection of this building and the contribution made by the mechanics and laborers who fabricated the materials used in it.

To my loyal assistants and coworkers, the supervisors, clerks, messengers, laborers, and all, I express the hope they will always find within its walls the peace and happiness that come from work well done, and that they will always look upon it as a place of happy service amid pleasant surroundings.

I want them to know that I appreciate the fidelity and loyalty they have shown in carrying on their work during the trying times through which the country has passed.

We will continue our efforts to increase the efficiency of our service which we proudly look upon as the largest business operation in the world, employing as it does some 242,000 men and women and having cash revenues approximating $587,000,000.

Our Postal Savings deposits amount to one billion one hundred and ninety-nine millions, and last year we issued over 171,000,000 money orders amounting to $1,655,000,000.

During the same period we handled approximately 150,737,000 pieces of domestic, registered, insured, and c.o.d. mail. These are but a few of the activities of the Post Office Department.

We are endeavoring to give more and more service for less and less cost.

Already through wise legislation enacted by Congress and careful administration the gigantic postal deficit of $152,000,000 for the fiscal year 1932 was reduced to 48 millions by July 1, 1933. We hope to reduce it still further this fiscal year and possibly eliminate it altogether.

In the meantime the Department's policy will continue to be to extend and improve the service; eliminate all waste and extravagance; see that no special privileges are granted; make working conditions, so far as possible, the best in the country; and require that integrity and ability be the first requirements in the selection of all public servants. In this I ask the aid of all officers and employees and the support of all citizens.

In dedicating this building let us also dedicate ourselves to the high purposes of government and the exalted patriotism exemplified by our great President, whose faith in our institutions has never faltered, whose wise and courageous leadership has carried us from the depths to the heights from which we can see the dawn of a new day.

I want to thank each of you for your participation in these exercises. You have assisted in the dedication of a building which stands as a permanent monument to the Government for which your fathers and mothers worked, prayed, and sacrificed. Let us give the same devotion and loyalty to our Government, to the end that it may better contribute to the welfare of all our people and that an end may once and for all be put to governmental favoritism to special interests and special classes.

WITHDRAWAL OF PAPERS—PORTER BROTHERS & BIFFLE AND OTHER CITIZENS

Mr. THOMAS of Oklahoma. Mr. President, the bill (S. 2880) for the relief of Porter Brothers & Biffle and certain other citizens (73d Cong., 2d sess.) is a claims bill introduced by me. The bill has passed the Senate and House. I ask unanimous consent that the papers relating to the bill may be released from the possession of the Committee on Claims for the benefit of attorneys representing the claimant.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBINSON of Arkansas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LONERGAN in the chair), laid before the Senate messages from the President of the United States submitting nominations in the Post Office Department, which were referred to the Committee on Post Offices and Post Roads.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. SMITH, from the Committee on Agriculture and Forestry, reported favorably the nomination of Rexford Guy Tugwell, of New York, to be Under Secretary of Agriculture.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. The reports will be placed on the calendar.

THE CALENDAR

TREATIES

The PRESIDING OFFICER. The calendar is in order.

The legislative clerk proceeded to read Executive D, Seventy-third Congress, second session, a treaty of friendship, commerce, and consular rights between the United States and the Republic of Finland, signed at Washington, February 13, 1934.

Mr. ROBINSON of Arkansas. I suggest that the treaties be passed over.

The PRESIDING OFFICER. Without objection, the treaties will be passed over.

Mr. McNARY. Mr. President, I may say to the Senator from Arkansas in this connection that inquiry has been made of me frequently as to when it is intended to give consideration to the treaties.

Mr. ROBINSON of Arkansas. I hope that may be done within the next two days. The Senator from Nevada [Mr. PITTMAN] is here. I have discussed the matter with him, and it is understood that at the first opportunity the Senate will be asked to consider the treaties.

THE JUDICIARY

The legislative clerk read the nomination of Carlisle W. Higgins to be United States attorney for the middle district of North Carolina.

Mr. BAILEY. I move that the nomination be confirmed.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina.

The motion was agreed to.

The legislative clerk read the nomination of George Philip to be United States attorney for the district of South Dakota.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles W. Robertson to be United States marshal for the district of South Dakota.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

FEDERAL POWER COMMISSION

The legislative clerk read the nomination of Clyde L. Seavey, of California, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1935.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

BOARD OF TAX APPEALS

The legislative clerk read the nomination of Charles P. Smith, of Massachusetts, to be a member of the Board of Tax Appeals for the term of 12 years from June 2, 1934.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of J. Russell Leech, of Pennsylvania, to be a member of the Board of Tax Appeals for the term of 12 years from June 2, 1934.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Bolon B. Turner, of Arkansas, to be a member of the Board of Tax Appeals for the term of 12 years from June 2, 1934.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

CUSTOMS SERVICE

The legislative clerk read the nomination of Charles J. Baker to be collector of customs, customs collection district no. 16, Charleston, S.C.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read the nominations of sundry postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered, and the nominations are confirmed en bloc.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON of Arkansas. I move that the Senate take a recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 52 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, June 13, 1934, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 12 (legislative day of June 6), 1934

FOURTH ASSISTANT POSTMASTER GENERAL

Smith W. Purdum, of Maryland, to be Fourth Assistant Postmaster General.

POSTMASTERS

ALABAMA

Alven H. Powell to be postmaster at Hackleburg, Ala., in place of W. C. Shotts. Incumbent's commission expired March 8, 1934.

Howard M. Cummins to be postmaster at Reform, Ala., in place of J. J. Langdon. Incumbent's commission expired March 22, 1934.

ARIZONA

Emory D. Miller to be postmaster at Nogales, Ariz., in place of C. L. Beatty, retired.

CALIFORNIA

Helen S. Osborne to be postmaster at Earlimart, Calif., in place of May Brown. Incumbent's commission expired December 18, 1933.

Faith I. Wyckoff to be postmaster at Firebaugh, Calif., in place of E. P. Dunkle. Incumbent's commission expired February 10, 1934.

Frederick N. Blanchard to be postmaster at Laton, Calif., in place of N. F. Densmore, removed.

Bert A. Wilson to be postmaster at Los Banos, Calif., in place of C. F. Riedle, removed.

Harry D. Beck to be postmaster at Tipton, Calif., in place of F. J. Klindera. Incumbent's commission expired December 18, 1933.

COLORADO

Frank J. Keicher to be postmaster at Akron, Colo., in place of W. E. Triffet, deceased.

Dorothy E. Mahoney to be postmaster at Minturn, Colo., in place of Mary McConnell. Incumbent's commission expired April 16, 1934.

DELAWARE

John E. Mayhew to be postmaster at Milford, Del., in place of W. R. Murphy. Incumbent's commission expires June 20, 1934.

Joseph H. Cox to be postmaster at Seaford, Del., in place of J. E. Willey. Incumbent's commission expires June 17, 1934.

FLORIDA

Kirby D. Rooks to be postmaster at Bonifay, Fla., in place of J. E. Still. Incumbent's commission expired January 9, 1934.

Jerald W. Farr to be postmaster at Wauchula, Fla., in place of H. B. Rainey. Incumbent's commission expired March 25, 1930.

GEORGIA

Jere W. Chamlee to be postmaster at Canton, Ga., in place of Maggie Edwards. Incumbent's commission expired May 29, 1934.

Harry L. Wingate to be postmaster at Pelham, Ga., in place of L. W. English. Incumbent's commission expired May 7, 1934.

ILLINOIS

Alice DiHon to be postmaster at Braidwood, Ill., in place of S. V. Donna. Incumbent's commission expired May 22, 1932.

John H. Knies to be postmaster at Breese, Ill., in place of B. A. Dorries. Incumbent's commission expired May 20, 1934.

John E. Ryan to be postmaster at Crete, Ill., in place of E. H. Hecht. Incumbent's commission expired March 3, 1931.

Amelia K. Fink to be postmaster at Frankfort, Ill., in place of R. E. Stephen. Incumbent's commission expired December 15, 1931.

Margaret M. Maue to be postmaster at Mokena, Ill., in place of D. F. Lynk. Incumbent's commission expired May 22, 1932.

Clarence M. Stevens to be postmaster at Pecatonica, Ill., in place of R. H. Christen, removed.

David W. Leigh to be postmaster at Ramsey, Ill., in place of H. L. Haynes, removed.

INDIANA

Jacob M. Hight to be postmaster at Etna Green, Ind., in place of C. H. Elder. Incumbent's commission expired June 6, 1934.

Orace O. Welden to be postmaster at Francesville, Ind., in place of D. P. Petra, removed.

Ralph W. Kimmerling to be postmaster at Frankton, Ind., in place of C. E. Barracks. Incumbent's commission expired December 13, 1932.

Blanche Anglin to be postmaster at Leesburg, Ind., in place of P. M. Bridenthrall. Incumbent's commission expired June 4, 1934.

Orel R. Small to be postmaster at Walton, Ind., in place of Willard Logan. Incumbent's commission expired June 6, 1934.

IOWA

M. Lenore Fatland to be postmaster at Cambridge, Iowa, in place of E. L. Woods. Incumbent's commission expired March 8, 1934.

Lorenzo A. Mullican to be postmaster at Indianola, Iowa, in place of J. R. Barker, transferred.

John N. Day to be postmaster at Klemme, Iowa, in place of F. E. Gibbs, resigned.

Jessica E. Pryor to be postmaster at Leon, Iowa, in place of Winfield Cash. Incumbent's commission expired February 17, 1934.

Wayne Taylor to be postmaster at Mitchellville, Iowa, in place of H. A. Marmon. Incumbent's commission expired April 16, 1934.

Opal H. Wallace to be postmaster at New Market, Iowa, in place of B. C. Mason. Incumbent's commission expired December 18, 1933.

Alfred B. Callender to be postmaster at Ocheyedan, Iowa, in place of T. F. Fawcett. Incumbent's commission expired March 18, 1934.

Raymond A. Gleason to be postmaster at Ruthven, Iowa, in place of R. L. Logan. Incumbent's commission expired December 13, 1932.

Orlow L. Goodrich to be postmaster at Scranton, Iowa, in place of L. W. Smith. Incumbent's commission expired April 2, 1934.

Leroy S. Gambs to be postmaster at Smithland, Iowa, in place of E. N. Morgan. Incumbent's commission expired December 18, 1933.

Teresa V. Moroney to be postmaster at Waukon, Iowa, in place of B. W. Smith, transferred.

Henry A. Falb to be postmaster at West Bend, Iowa, in place of H. A. Falb. Incumbent's commission expired December 18, 1933.

KANSAS

Henry J. Kuckelman to be postmaster at Everest, Kans., in place of D. O. Anderson. Incumbent's commission expired March 18, 1934.

Thomas E. Murphy to be postmaster at Hoisington, Kans., in place of Ovid Butler. Incumbent's commission expired January 28, 1934.

Hazel Craft to be postmaster at Lewis, Kans., in place of W. S. Lyman. Incumbent's commission expired December 18, 1933.

KENTUCKY

Katy Mullins to be postmaster at Mount Vernon, Ky., in place of M. B. Griffin, removed.

LOUISIANA

Victor E. Green to be postmaster at De Ridder, La., in place of V. E. Green. Incumbent's commission expired May 20, 1934.

Alceste J. Robichaux to be postmaster at Harvey, La., in place of K. J. Moynagh. Incumbent's commission expired December 19, 1932.

Mary K. Roark to be postmaster at Marion, La., in place of M. K. Roark. Incumbent's commission expired June 10, 1934.

James O. Brouillette to be postmaster at Marksville, La., in place of E. L. Lefargue. Incumbent's commission expired December 18, 1933.

Eula M. Jones to be postmaster at Trout, La., in place of E. M. Jones. Incumbent's commission expired June 6, 1934.

George M. Tannehill to be postmaster at Urania, La., in place of G. M. Tannehill. Incumbent's commission expires June 26, 1934.

Irma L. Batey to be postmaster at Wisner, La., in place of I. L. Batey. Incumbent's commission expires June 26, 1934.

MAINE

Thomas G. Burdin to be postmaster at Turner, Maine, in place of R. J. Dyer, resigned.

MASSACHUSETTS

Edward P. Larkin to be postmaster at Haydenville, Mass., in place of F. L. Smith. Incumbent's commission expired April 2, 1934.

Nellie E. Callahan to be postmaster at Littleton Common, Mass., in place of C. K. Houghton. Incumbent's commission expired March 8, 1934.

Gladys V. Crane to be postmaster at Merrimac, Mass., in place of H. M. Emery. Incumbent's commission expired March 18, 1934.

Lawrence Cotter to be postmaster at North Brookfield, Mass., in place of E. V. O'Brien. Incumbent's commission expired February 25, 1933.

Alexander J. MacQuade to be postmaster at Osterville, Mass., in place of C. L. Parker. Incumbent's commission expired February 10, 1934.

James G. Cassidy to be postmaster at Sheffield, Mass., in place of A. B. Ellis. Incumbent's commission expired March 18, 1934.

John J. Kent, Jr., to be postmaster at West Bridgewater, Mass., in place of W. E. Gibson. Incumbent's commission expired April 2, 1934.

MICHIGAN

Elfreda L. Mulligan to be postmaster at Grand Marais, Mich., in place of E. L. Mulligan. Incumbent's commission expires June 17, 1934.

Jessie E. Lederle to be postmaster at Leland, Mich., in place of E. L. Dalton. Incumbent's commission expired April 28, 1934.

MISSOURI

Claude M. Reid to be postmaster at Aurora, Mo., in place of J. M. Mathes, removed.

George T. Barker to be postmaster at Everton, Mo., in place of H. P. Hughes, removed.

Claud W. Boone to be postmaster at Gainesville, Mo., in place of Clara Harlin. Incumbent's commission expired January 9, 1933.

Walter Manley to be postmaster at Liberty, Mo., in place of R. E. Ward. Incumbent's commission expired April 30, 1934.

NEBRASKA

Alva E. Wallick to be postmaster at Bennet, Nebr., in place of H. P. Eggleston, removed.

Edna Willis to be postmaster at Central City, Nebr., in place of R. B. Demel. Incumbent's commission expired December 11, 1933.

Hjalmar A. Swanson to be postmaster at Clay Center, Nebr., in place of H. M. Hanson. Incumbent's commission expired May 9, 1934.

William A. Horstmann to be postmaster at Creighton, Nebr., in place of H. J. Steinhauseh. Incumbent's commission expired April 28, 1934.

Mildred A. Field to be postmaster at Dunning, Nebr., in place of J. G. Fountain. Incumbent's commission expired December 17, 1932.

Frank D. Strope to be postmaster at Orchard, Nebr., in place of E. H. Hering. Incumbent's commission expired January 28, 1934.

Wilhelm C. Peters to be postmaster at Wausa, Nebr., in place of C. A. Holmquist. Incumbent's commission expired January 28, 1934.

NEW JERSEY

Joseph Corse to be postmaster at Jamesburg, N.J., in place of S. M. Mount. Incumbent's commission expired January 16, 1934.

Thomas H. Hall to be postmaster at Vineland, N.J., in place of Frank Wanser. Incumbent's commission expired March 8, 1934.

NEW MEXICO

Frank D. Crespin to be postmaster at Vaughn, N.Mex., in place of B. A. Gallegos, removed.

NEW YORK

Frank G. Farmer to be postmaster at Gloversville, N.Y., in place of D. D. Lake. Incumbent's commission expired May 2, 1934.

Charles Hogan to be postmaster at Harrisville, N.Y., in place of R. F. Dunlop, resigned.

Lindsay J. Hollister, Jr., to be postmaster at Port Henry, N.Y., in place of F. P. Daley. Incumbent's commission expired January 28, 1934.

NORTH CAROLINA

Eugene J. Tucker to be postmaster at Roxboro, N.C., in place of A. P. Clayton. Incumbent's commission expired April 28, 1934.

NORTH DAKOTA

J. Benus Kinneberg to be postmaster at Leeds, N.Dak., in place of J. H. Huseby, removed.

Ray S. Long to be postmaster at Upham, N.Dak., in place of J. G. Sigurdson. Incumbent's commission expired February 28, 1933.

Nicholas J. Krebsbach to be postmaster at Velva, N.Dak., in place of F. G. Meagher. Incumbent's commission expired October 31, 1933.

James F. Keaveny to be postmaster at Wales, N.Dak., in place of J. W. Jeffery. Incumbent's commission expired January 15, 1933.

OHIO

Enoch W. Carman to be postmaster at Belmont, Ohio, in place of J. E. Davis. Incumbent's commission expired May 29, 1934.

Charles M. Easley to be postmaster at Bloomdale, Ohio, in place of J. W. Simon. Incumbent's commission expired March 22, 1934.

Paul W. Burkhardt to be postmaster at Edon, Ohio, in place of Lee Heckman. Incumbent's commission expired December 16, 1933.

Rolland R. Pettay to be postmaster at Freeport, Ohio, in place of A. B. Yarnell, resigned.

William A. Ellsworth to be postmaster at Hudson, Ohio, in place of M. E. Crane. Incumbent's commission expired April 15, 1934.

Pearl L. Seitz to be postmaster at Liberty Center, Ohio, in place of G. E. Matthews. Incumbent's commission expired January 8, 1934.

Harold H. Wisman to be postmaster at Montpelier, Ohio, in place of Earl Augustine. Incumbent's commission expired February 6, 1934.

Charles R. Gampher, Jr., to be postmaster at Rossford, Ohio, in place of E. P. Harker, resigned.

PENNSYLVANIA

Earle H. Crummy to be postmaster at Dravosburg, Pa., in place of F. C. Downey. Incumbent's commission expired June 8, 1933.

George V. Beech to be postmaster at East Pittsburgh, Pa., in place of H. L. Koons. Incumbent's commission expired March 8, 1934.

Charles H. Adams to be postmaster at Esterly, Pa., in place of W. S. Levan. Incumbent's commission expired November 12, 1933.

Charles H. Wilson to be postmaster at Fairchance, Pa., in place of D. W. Sechler, removed.

Raymond R. Kinsinger to be postmaster at Halifax, Pa., in place of T. F. Fenstermacher, removed.

Charles A. Hanlon to be postmaster at Hazleton, Pa., in place of T. H. Probert, transferred.

Robert O. Lamborn to be postmaster at Madera, Pa., in place of Frank Kerr. Incumbent's commission expired February 10, 1932.

Elijah H. Follmer to be postmaster at Milton, Pa., in place of L. W. Gehrig. Incumbent's commission expired February 18, 1933.

George W. Burgner to be postmaster at Morrisville, Pa., in place of C. H. Heller. Incumbent's commission expired January 19, 1933.

Richard A. Steen to be postmaster at New Castle, Pa., in place of L. S. MacNab, removed.

Mayme A. Moore to be postmaster at Oakdale, Pa., in place of C. G. McMurray, removed.

Michael J. V. Kelly to be postmaster at Silver Creek, Pa., in place of H. A. Feeley. Incumbent's commission expired February 14, 1934.

Claude E. Minnich to be postmaster at Wiconisco, Pa., in place of G. S. J. Keen, deceased.

RHODE ISLAND

Grace B. Almy to be postmaster at Little Compton, R.I., in place of M. J. W. Carton, deceased.

TEXAS

Henry W. Hoffer to be postmaster at Kaufman, Tex., in place of H. H. Duncan. Incumbent's commission expired March 18, 1934.

Clyde E. Perkins to be postmaster at Kirkland, Tex., in place of J. T. White. Incumbent's commission expired January 16, 1933.

Marvin G. Prewitt to be postmaster at Ralls, Tex., in place of Lillie Brown. Incumbent's commission expired January 28, 1934.

VIRGINIA

J. Henry Miller to be postmaster at Elkton, Va., in place of N. V. Fitzwater. Incumbent's commission expired April 8, 1934.

Beveridge B. Cox to be postmaster at Gate City, Va., in place of E. B. Elliott. Incumbent's commission expired January 11, 1933.

WASHINGTON

David P. Cunningham to be postmaster at North Bend, Wash., in place of Addie Anderson, resigned.

Walter Gihring to be postmaster at Rockford, Wash., in place of W. L. Oliver, deceased.

Walter W. Lindley to be postmaster at St. John, Wash., in place of Juanita Kratzer, resigned.

Joseph H. Gill to be postmaster at Washtucna, Wash., in place of Frank Hurst. Incumbent's commission expired March 8, 1934.

WEST VIRGINIA

Emery L. Woodall to be postmaster at Hamlin, W.Va., in place of Philip Hager, resigned.

WISCONSIN

Vincent J. Dwyer to be postmaster at Alma Center, Wis., in place of L. H. Nolop. Incumbent's commission expired January 14, 1931.

Charles P. McCormick to be postmaster at Belleville, Wis., in place of E. R. Adamson. Incumbent's commission expired February 25, 1933.

Dale J. Cannon to be postmaster at Birnamwood, Wis., in place of M. L. Staley. Incumbent's commission expired February 20, 1934.

Opal R. Parent to be postmaster at Cable, Wis., in place of L. D. Perry. Incumbent's commission expired December 18, 1933.

Chris Kartman to be postmaster at Cassville, Wis., in place of L. O. Dietrich. Incumbent's commission expired March 22, 1934.

Rinold N. Duren to be postmaster at Cazenovia, Wis., in place of B. F. Querhammer. Incumbent's commission expired March 18, 1934.

Tessa B. Morrissy to be postmaster at Elkhorn, Wis., in place of G. L. Harrington. Incumbent's commission expired January 9, 1933.

Henry E. Lauber to be postmaster at Glenwood City, Wis., in place of C. P. Peterson. Incumbent's commission expired March 18, 1934.

Edward Snoeyenbos to be postmaster at Hammond, Wis., in place of K. C. Conrad. Incumbent's commission expired March 18, 1934.

Joseph J. Brunclik to be postmaster at Haugen, Wis., in place of C. E. Juza, resigned.

Louis G. Bernier to be postmaster at Holcombe, Wis., in place of R. L. Zimmerman, resigned.

Michael B. Weyer to be postmaster at Lomira, Wis., in place of P. J. Zeidler. Incumbent's commission expired January 28, 1934.

Gustav A. Prenzlow to be postmaster at Mattoon, Wis., in place of F. E. Boyer. Incumbent's commission expired December 18, 1933.

Ira A. Kenyon to be postmaster at Mellen, Wis., in place of J. P. Fitzgerald. Incumbent's commission expired March 18, 1934.

Celestine D. Kaltenbach to be postmaster at Potosi, Wis., in place of W. C. Hymer, deceased.

Louis H. Schultz to be postmaster at Reedsburg, Wis., in place of J. R. Stone. Incumbent's commission expired January 21, 1933.

Wallace J. Milsap to be postmaster at Shawano, Wis., in place of M. R. Stanley. Incumbent's commission expired April 22, 1934.

Louis G. Kaye to be postmaster at Westboro, Wis., in place of E. A. Forsyth. Incumbent's commission expired January 8, 1934.

James E. O'Leary to be postmaster at Wilton, Wis., in place of J. L. Heffernan, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 12 (legislative day of June 6), 1934

UNITED STATES ATTORNEYS

Carlisle W. Higgins to be United States attorney for the middle district of North Carolina.

George Philip to be United States attorney for the district of South Dakota.

UNITED STATES MARSHAL

Charles W. Robertson to be United States marshal for the district of South Dakota.

MEMBER OF THE FEDERAL POWER COMMISSION

Clyde L. Seavey to be a member of the Federal Power Commission.

MEMBERS OF THE BOARD OF TAX APPEALS

Charles P. Smith to be a member of the Board of Tax Appeals.

J. Russell Leech to be a member of the Board of Tax Appeals.

Bolon B. Turner to be a member of the Board of Tax Appeals.

COLLECTOR OF CUSTOMS

Charles J. Baker to be collector of customs, customs collection district no. 16, Charleston, S.C.

POSTMASTERS

ARKANSAS

Charlie O. Sawyer, Hamburg.
John W. Martin, Mena.
Theo Money, Waldron.

COLORADO

Michael J. Brennan, Durango.

ILLINOIS

Louie E. Dixon, Biggsville.
Narcisse L. Marcotte, Bourbonnais.
Charles A. Etherton, Carbondale.
Martin M. Dalrymple, Chrisman.
Arthur L. Larson, Des Plaines.
James F. Grogan, Elmhurst.
DeCourcy Lloyd, Glencoe.
Otto Frank, Lake Zurich.
Paul W. Poorman, Mattoon.
Jane M. Dorfler, Mundelein.
Ellis J. O'Daniel, New Lenox.
Ross St. Clair Tary, Seaton.
Carney V. Kerley, Simpson.
Frank E. Binkley, Warrensburg.

IOWA

Clarence W. Stuart, Altoona.
Edna M. McCabe, Hillsboro.
Michael R. Griebel, Lone Tree.
Katharine H. Wallace, Redding.
Harris D. MacGugin, Wellman.

KENTUCKY

Nelly B. Jones, Grand Rivers.
Dalph E. Creal, Hodgenville.
Howard C. Enoch, Marion.

MAINE

Charlotte M. Buck, Buckfield.
Charles W. Richardson, Jr., Castine.
Carroll A. Matthieu, Farmington.

MARYLAND

Charles H. Wilson, Forest Hill.
Charles A. Bechtold, Fort George G. Meade.
Frances C. Hamill, Oakland.

MASSACHUSETTS

Thomas J. Drummey, East Pepperell.
Ellen M. O'Connor, East Taunton.
Edward C. Pelissier, Hadley.
Mary E. Sheehan, Hatfield.
Catherine A. McCasland, Hinsdale.
William T. Martin, Monterey.
Ephrem J. Dion, Northbridge.
Maurice T. Nickerson, West Dennis.

MICHIGAN

Ernest O. Coy, Alden.
Maurice E. Jones, Bear Lake.
Joseph W. Harlan, Davison.
Anne O'D. Wright, Munising.
Maude Russell, New Era.
J. Jay Cox, Scottville.

MINNESOTA

Elmer J. Larson, Cokato.
Catherine C. Burns, Glenwood.
Martin T. Haley, Hibbing.
Joseph G. Bauer, Madison.
Michael E. Gartner, Preston.
William E. Charlton, Williams.
John R. Schisler, Winthrop.
Loretta M. Harper, Worthington.

MISSISSIPPI

Samuel N. Shelton, Alcorn.
Woodard M. Herring, Inverness.
Thomas J. Barnes, Noxapater.
Hubbard E. McClurg, Ruleville.
Robert E. L. McLain, Shelby.

NEW JERSEY

Clyde E. Miller, Ashland.
Mamie R. Stone, Egg Harbor City.
George T. Applegate, Fords.
Fred G. Leiser, Hudson Heights.
Lillian M. Roe, Mountain View.
John F. Sinnott, Jr., Newark.
Michael S. Malone, Rockaway.
James E. Porter, Jr., Rumson.
Floyd J. Kays, Sparta.

NORTH CAROLINA

Zula S. Glovier, Catawba.
Annie C. Burns, Lawndale.
William Samuel Somers, Reidsville.
Fountain F. Cox, Robersonville.

NORTH DAKOTA

John M. McCabe, Belfield.
Herman A. Emanuel, Crosby.
Charles C. Shearer, Flasher.
John E. Hunter, Mayville.
John A. Hamilton, McClusky.
Suzanna A. Preszler, Medina.
William T. Wakefield, Mott.
Frederich A. Rettke, Niagara.
Erick J. Moen, Osnabrock.
Anne E. Chilton, Towner.
Coral R. Campion, Willow City.
Grace G. Berkness, Wolford.

OHIO

Paul E. Smith, Ansonia.
John M. Hudson, Bigprairie.
Fred Durr, Bradford.
Paul D. Fleming, Cardington.
Emmett L. Partee, Defiance.
Durbin W. Gerber, Dover.
Charles A. Spies, East Canton.
Benjamin J. Chambers, Genoa.
James M. Ruckman, La Rue.
Ethel S. Reames, Lynchburg.
LoRa L. Lamborn, Marion.
Stanley F. Kimmel, New Madison.
Wilma L. Aiken, Tiltonsville.

OKLAHOMA

Vivienne C. Ford, Billings.
Wilma P. Walcher, Braman.
Richard B. Carson, Castle.
Glenn D. Burns, Dover.
Edward S. Bowles, Perry.

PENNSYLVANIA

Irvin C. Davis, Shavertown.
Mary Pavlik, Universal.

SOUTH DAKOTA

Joseph A. Stanek, Fairfax.
William B. Boe, Presho.

TENNESSEE

Donald B. Todd, Etowah.
Mary A. B. Dunn, Maryville.
Kirk D. Beene, Petros.

TEXAS

Charles Y. Shultz, Alvarado.
Ida S. McWilliams, Anahuac.
M. Erma Capps, Bedias.
Philip P. Wise, Bonham.
John M. Brice, Bruni.
Paul V. Bryant, Canadian.
Effie P. Minnock, Galena Park.
William E. Porter, Glen Rose.
Florence E. McElhany, Goose Creek.
Janet S. Barron, Iola.
Vernon May, Katy.
Russell B. Cope, Loraine.
Ed I. Pruett, Marfa.
Perry Hartgraves, Menard.
Effide D. Rasmussen, Needville.
Maud Collier, Pelly.
Otis T. Kellam, Robstown.
Claude F. Norman, Rule.
Charles H. Grounds, Talpa.
Georgia D. Ruhrup, Toyah.
Madeline G. McClellan, Waller.

UTAH

Heber J. Sheffield, Jr., Kaysville.

VERMONT

Ina T. Webster, Ely.

WISCONSIN

William B. Ackerman, Gays Mills.
Matthew J. Hart, Glidden.
Reginald L. Barnes, Greenwood.
Mable N. Duxbury, Hixton.
Simon Skroch, Independence.
Irving W. Volkmann, Iron Ridge.
Wenzel M. Dvorak, La Crosse.
Casimir Jaron, Lublin.
Henry Stanke, Marathon.
Clarence G. Lockwood, Markesan.
Oscar M. Rickard, Merrillan.
John K. Wotruba, Milladore.
Roswell S. Richards, Monticello.
Laurence L. Shove, Onalaska.
Cleon E. McCarty, Osceola.
Dan F. Vicker, Park Falls.
Joyce S. Stoveken, Pembine.
John W. Johnson, Pepin.
Maurice A. Reeves, Pewaukee.
John P. Pabst, Pittsville.
Edward D. Feeney, Prairie du Chien.
Patrick H. Laughrin, Prentice.
Victor J. Kozina, St. Francis.
Curtis R. Hanson, Scandinavia.
Herman H. Lins, Spring Green.
James S. Kennedy, Shell Lake.
William S. Wagner, Thorp.
Roy D. Fahland, Webster.
Frank P. McManman, Wisconsin Dells.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 12, 1934

The House met at 11 o'clock a.m.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

O Lord, our God and our Heavenly Father, we thank Thee for Him who took little children in His arms and loved them until they smiled out loud. In the light of His teaching may we understand that we are not in the world to inherit, but we are here to be benefactors of our fellow men. May the divine spirit grip us to the farthest limits of our souls. Thou hast told us that all the commandments are packed into one: Thou shalt love the Lord thy God with all thy heart, with all thy mind, with all thy soul, and with all thy strength, and thy neighbor as thyself. Almighty God, get to the human conscience that a man is a man's equal anywhere on the planet and has a birthright to heaven and eternity. Oh, the tragedies of the world—the crash of arms, the black nights that never come to morning, and the helpless cries that never come to a human ear. Lord God of Hosts be with us yet lest we forget, lest we forget. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed the following resolution:

Senate Resolution 265

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. THOMAS C. COFFIN, late a Representative from the State of Idaho.

Resolved, That a committee of two Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 11 o'clock tomorrow.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3025) entitled "An act to amend section 12B of the Federal Reserve Act so as to extend for 1 year the temporary plan for deposit insurance, and for other purposes."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9745. An act to authorize the Secretary of the Treasury to purchase silver, issue silver certificates, and for other purposes.

THE LATE REPRESENTATIVE TOM C. COFFIN

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to proceed for 4 minutes.

The SPEAKER. Is there objection?

There was no objection.